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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

12° VICTORIÆ, 1849.

VOL. CIV.

COMPRISING THE PERIOD FROM

THE TWENTY-NINTH DAY OF MARCH,

TO

THE SEVENTH DAY OF MAY, 1849.

Third Volume of the Session.

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1849.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

SECOND SESSION OF THE *FIFTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 2 NOVEMBER, 1848, AND FROM THENCE
CONTINUED TILL 1 FEBRUARY, 1849, IN THE TWELFTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, March 29, 1849.

MINUTES.] *Sat first.*—The Lord Douglas, of Douglas, after the Death of his Brother.

PUBLIC BILLS.—1^{a} Mutiny; Marine Mutiny; Indemnity.

PETITIONS PRESENTED. From Bolton, against any Measure for the Endowment of the Roman Catholic Priesthood (Ireland); also for an Alteration in the system of Grants in Aid of Public Education (Ireland).—From Towcester, complaining of the Operation of the Law of Settlement, and praying for Relief by means of a National Rate.—By the Earl of Harrowby, from Heckington, and other Places, against the Granting of any New Licences to Beer Shops.—From Rathdown and Galway, against the proposed Rate in Aid (Ireland).

THE WAR IN THE NORTH OF ITALY.

LORD BROUGHAM wished to ask the noble President of the Council whether any official intelligence had been received of Charles Albert having abdicated, left his dominions, and entered France on the 26th instant. He understood that intelligence had been received at Paris by telegraph from the theatre of war (if that, indeed, could be called war, *ubi tu pulsas, ego vapulo tantum*) to this effect—that the Piedmontese army had been driven into the mountains by Marshal Radetski—that the Marshal had himself entered Turin on the 26th—that Charles Albert had abdicated in favour of the Duke of Savoy, and had traversed Nice from Novarra on his road to Switzerland. If this were so, it had pleased Providence to bless England, France, and Austria with one of the most important advantages that could be bestowed on them — namely, with the immediate decision of an event which would preclude the necessity of any interference in the affairs of Italy. He entirely disbelieved the rumour that there would be any such interference, now that all was over, on the part of either England or France. It was a slander on our old and faithful ally, Austria, to suppose that any such interference was necessary on the pretence of preserving the integrity of the Piedmontese dominions, after Marshal Radetski had declared in his proclamation that there was no intention on the part of the Emperor, his master, to take one inch of territory appertaining to the Piedmontese dominions, or to relinquish one inch of territory belonging to those of Austria. He (Lord Brougham) could not bring himself to believe these reports, or that either France or England would descend to the adoption of any such discreditable course of policy. He had never had but one theory on this point—that any attempt to overthrow an existing domination must always end, as it always had ended, in the extension of that domination. As he wished most cordially to see the success of liberal principles all over Italy, he should regret much if the present success of Austria should throw any obstacle in their progress. He had no fear whatever of that at present; but still, at all times, and under all circumstances, the effects that followed such successes were much to be dreaded.

The MARQUESS of LANSDOWNE fancied that the noble and learned Lord, when he first got up, had only intended to ask a very simple question, to which a very short answer might have been sufficient. He would not follow his noble and learned Friend into his extraneous observations, but would confine himself to stating that no official despatches had yet been received from Her Majesty's Minister at Turin upon this subject. Still he had no doubt that there had been a great contest between the Austrian and Piedmontese forces, and that that contest had been followed by a severe defeat of the latter. Accounts had been received to that effect by telegraphic despatch from Turin; and the result of these events was the abdication of Charles Albert, followed by the proclamation of his son the Duke of Savoy as King of Sardinia. The same telegraphic despatch conveyed the intelligence that Marshal Radetski had entered, or was on the point of entering, Turin. He had been reminded by his noble Friend near him (Earl Grey), that, although there was some reason to believe that Marshal Radetski had reached Turin, no accounts had reached Her Majesty's Government announcing that he had actually done so.

The DUKE of WELLINGTON: He's on the road to Turin.

The MARQUESS of LANSDOWNE added a few words more, declaring that he joined with Lord Brougham in hoping that the recent events might prove satisfactory for the future peace of Europe.

The EARL of ABERDEEN inquired whether the papers promised him by the noble Marquess last week would be produced before Easter?

The MARQUESS of LANSDOWNE said, it was possible they might be produced before the Easter holidays; but he could not give a positive assurance as to that.

THE MAGISTRACY OF STOCKPORT.

LORD STANLEY: I now rise to call your Lordships' attention to the petition of which I have given notice, from the Mayor, Aldermen, Councillors, and Burgesses of Stockport, complaining of the recent appointment of borough magistrates for party purposes, and praying for inquiry. I feel there is no apology necessary either to your Lordships or to the noble and learned Lord on the woolsack for my asking your serious attention to the case, when I inform you that it is connected with a matter of no less importance than the purity of the administration of justice, and that by some parties or other advantage has been taken of the authority of the highest legal functionary in this country, for the purpose of effecting the appointment of magistrates, not for the ends of public justice, but for the private interests of political partisans. This petition is numerously and respectably signed by the inhabitants of Stockport. It states that recently an appointment of additional magistrates for the borough has been made, not, as the petitioners believe, for any public end, but for political purposes, and for private party purposes. These are assertions, I confess, which ought not to be lightly made. I cannot pretend to any personal acquaintance with the facts of the case; but, before bringing the subject to the notice of your Lordships, I felt it my duty closely to investigate the allegations of the petition, to examine documents in support of the case, and to hold communications with a deputation on the subject. I went over every allegation of the petition with two other Gentlemen of undoubted character and integrity, both Members of the House of Commons—both intimately acquainted with the state of the borough of Stockport, and the result was a confirmation of the allegations of the petitioners. My conviction, therefore, is, that there are grounds for those allegations, and that the object in appointing those magistrates was not for the furtherance of justice, but for the personal advantage of political partisans. The petition was put in the course of signature on Monday last, for the first time. I received it by post on Wednesday morning. During that time it had received the signature of the Mayor of Stockport, the signatures of six of the borough magistrates, seven of the aldermen, twenty-two of the town-councillors, three or four of the clergymen of the town, the chairman of the board of guardians, and of nearly 500 of the burgesses of Stockport, including among them—as I am assured by those who know the names —most of the respectable shopkeepers, tradesmen, and other inhabitants. And, my Lords, when parties so intimately acquainted with the facts take upon themselves, with that unanimity, to make the charges which I will read from the petition, I think it is due to your Lordships, and to the noble and learned Lord, that an opportunity should be afforded of explaining the facts as they stand—of dissipating the erroneous impression which prevails in Stockport, if that impression be, in truth, erroneous—and if it be not, of exposing those parties through whose instrumentality so great an abuse has been committed. My Lords, the petitioners do not presume to allege, nor do I wish, for a single moment, to be supposed to insinuate, that the noble and learned Lord himself was cognisant of the object sought to be attained. The high station and character of the noble and learned Lord render it impossible for me to believe that he would, to such an extent, prostitute and degrade the high authority with which he is invested, even if the object to be attained were not in itself of so paltry and contemptible a character as to afford no inducement for its accomplishment to a person much less conscientious than the noble and learned Lord. But the noble and learned Lord must recollect that persons in his high station are liable to be imposed upon and deceived by others, and that objects contemptible and insignificant in his mind are not contemptible and insignificant with persons in lower stations, and with less conscientious feelings; and I believe I shall be able to show your Lordships not only that such an object was aimed at, but I shall show you the object aimed at, the person by whom, and the person through whose instrumentality it was effected. My Lords, I can state that the petitioners are desirous that your Lordships should, if you think fit, institute a strict investigation into the facts of the case. They court inquiry, and lay the facts before you; and all I can say is, that, if the inference—which, of course, can only be derived from the facts—if the inference be erroneous, it never occurred to me to meet with such a fortuitous combination of facts and of dates as those which I shall lay before your Lordships. My Lords, the borough of Stockport was one of the boroughs constituted in the year 1836, immediately upon the passing of the Municipal Corporation Act, and, in consequence of that incorporation, borough magistrates were appointed; and I do not state it as a matter to be wondered at that, as the leaning of the corporation on its first establishment was decidedly and exclusively Liberal—I mention the terms Liberal and Conservative for the sake of distinction—I say it is not to be wondered at that magistrates appointed by Liberal representatives should be exclusively Liberal, and exclusively connected with the Liberal party. Between the years 1836 and 1841, my Lords, sixteen gentlemen, all of the same political principles, were appointed magistrates of the borough of Stockport, and in 1841 there remained nine of these gentlemen resident and acting in the place. As your Lordships are aware, in that year a change took place in the Government, and it appeared, and I think justly appeared, to the right hon. Gentleman, Sir J. Graham, who then became Secretary of State for the Home Department, that it was not right or proper that the judicial bench should be occupied, either in Stockport or anywhere else, exclusively by members of one political party; and, consequently, on a representation from the town of Stockport, he appointed five gentlemen of Conservative principles to act as borough magistrates, making in all a total of fourteen. And in the year 1844—I beg your Lordships to bear this in mind—upon an application for a further increase of Conservative borough justices, the right hon. Gentleman, wisely, as I think, declined to make such an increase, because he stated, and in that opinion he was joined by the Conservative magistrates themselves, that his object was not to establish a party majority on the bench, but to remove the exclusive character of the bench. Therefore, my Lords, there remained nine Liberal and five Conservative magistrates from the year 1841 to 1848. In the month of June in that year the number of magistrates resident and acting was thirteen. There were six Liberals and five Conservatives; and there were the mayor and the ex-mayor, one a Conservative, the other a Liberal; and, consequently, the bench of magistrates was as nearly as possible evenly divided between the two parties, and I believe they had gone on together in perfect harmony. Now, my Lords, a feeling prevailed that a change was likely to take place in the constitution of the corporation. It is important for your Lordships to recollect that in June, 1848, there was a Liberal majority in the council, but that a suspicion existed that the complexion of the council would be altered at the next election. In that year the office of town clerk and clerk to the borough magistrates was held by Mr. Henry Coppock. That gentleman, who had been appointed in 1836, is the brother of a gentleman whose name must be familiar to many of your Lordships—Mr. James Coppock, and still more familiar to a large number of the Members of the other House of Parliament. Mr. Henry Coppock had been so appointed, and continued to hold the office of town clerk till 1848, and with the office of town clerk he also held the office of clerk to the magistrates, upon the understanding and agreement that he was to receive for performing the duties of the two offices a salary of 500*l.*, paying the fees of the later office into the borough fund. In June, 1848, Mr. Henry Coppock fancied, from the tendency of the political opinions of the corporation, that his tenure of office might not be so secure as he had imagined it was before, and that if he should be dismissed from the office of town clerk, inasmuch as the two offices were combined by arrangement, he might very likely lose the situation of clerk to the magistrates also; and consequently in the month of June, 1848, Mr. Henry Coppock induced two—I believe three of the magistrates, but at that time it was supposed to be two—he induced three of the magistrates, without the knowledge of their brethren on the bench, without the knowledge of the town council, without the knowledge of the inhabitants, to forward a memorial to the Lord Chancellor, or rather to the Secretary of State for the Home Department, by whom it would be referred to the Lord Chancellor, praying that an appointment might take place of six additional magistrates, which six magistrates these three gentlemen, under the dictation of Mr. Henry Coppock, signified and specified by name. Upon learning this transaction a meeting of the magistrates took place, and they signed a memorial addressed to the noble and learned Lord, in which they informed his Lordship—

> "That at the present time there are not less than twelve gentlemen—there were thirteen—duly qualified to act as magistrates for this borough, and in the commission of the peace, in the habit of attending the magistrates' meetings, We, the majority of such acting magistrates, can with confidence inform your Lordship that, in our opinion, the appointment of any additional magistrates for the borough is unnecessary and wholly uncalled for—that the magisterial business in the borough has hitherto been well and efficiently performed by less than the present number of magistrates, and that the duties of the magistrates recently have diminished rather than increased."

And they go on to say—

> "The memorial forwarded to Sir George Grey has been forwarded without in any way consulting the magistrates of the borough as a body, the town council, or the inhabitants at large, upon the necessity for the appointment of additional magistrates."

My Lords, to that memorial I am not aware any immediate answer was made; but shortly afterwards a gentleman named Slack, who had for some time previously ceased to reside at Stockport, was applied to by the noble and learned Lord to know if he would not resign his office as a magistrate, to lay a ground for the appointment of additional magistrates. My Lords, that gentleman communicated to the town council the proposition which had been made to him—the majority of the town council at that time consisted of liberal members. A meeting of the town council was held on the 13th of August, which was attended by forty-one members of the corporation, and at that meeting resolutions were passed by thirty-three out of the forty-one, the other eight abstaining from recording their votes. These resolutions, then, may be considered the unanimous resolutions of the corporation. They state—

> "That having heard with astonishment the communication made by the mayor, this council is of opinion there is not a deficiency in the magistracy for the borough of Stockport, there now being thirteen acting magistrates resident within the limits of the jurisdiction; that there is no necessity for any increase in the present number, especially considering the present peaceable state of the town, and that a memorial expressing that opinion be sent to the Lord Chancellor."

In addition to this, a communication was made by one of the hon. Members for the county of Chester, stating to the noble and learned Lord these facts—that in the borough of Stockport the petty sessions were held every alternate day; that the business had never been in arrear for want of magistrates to attend the sessions; and that the universal feeling of the borough was, that there was no necessity whatever for making any alteration. And I think, my Lords, you may be pretty well satisfied there was no great necessity for any increase, when I tell you that while the magistrates amounted to thirteen in number, the whole police force amounted to only eleven individuals, who were superintended by these thirteen magistrates; and that the population of the borough was under 60,000 persons, in a perfectly peaceable state; and also that recent Parliamentary enactments had materially diminished the amount of duty imposed upon the magistrates. These facts were made known to the noble and learned Lord on the woolsack, and again no answer was made to or received by the town council. No further step appeared to have been taken with regard to the appointment of new magistrates until the month of November. And here I wish to call your Lordships' attention to the dates, which are most remarkable. On the 9th November the event which Mr. Henry Coppock had foreseen actually took place. The new town council—the majority being of the Conservative party—did not think Mr. Henry Coppock a fit person to exercise the duties of town clerk. Now, I am not saying whether in this respect the council judged rightly or wrongly, or whether they were actuated by political considerations or not. But be that as it may, the law leaves the appointment with the town council, and in the exercise of their discretion they removed Mr. Henry Coppock from the office of town clerk. It was then, I apprehend, the duty of Mr. Henry Coppock to have at once surrendered up all the documents which were in his possession, and hand them over, either to his successor or the town council itself. I know not whether that would strictly apply to the commission of the peace for the borough; but what did occur was this—that immediately upon his dismissal from office Mr. Henry Coppock transmitted the commission of the peace to his brother, Mr. James Coppock, in London, and by Mr. James Coppock the commission was deposited in the Crown Office here; and it is a curious fact that, no proceedings having taken place from the 13th of August down to the 9th of November, just at that critical period—namely, four days after the dismissal of Mr. Henry Coppock, a letter was received from the noble and learned Lord, dated the 13th November, informing the mayor of the borough of Stockport that he had given the necessary directions for inserting the five names which he had mentioned in the commission as additional magistrates for the borough. My Lords, this letter was not received until the 15th November. I need hardly say that the whole of these five persons, or rather four of the five, were gentlemen holding extremely liberal opinions, whose support of Mr. Henry Coppock in the office of town clerk, and clerk to the magistrates, might be most confidently relied upon; and the single exception of naming a Conservative would have no weight whatever in the opposite scale, if party feeling were to preponderate, because the one Conservative was already an *ex officio* magistrate, being the ex-mayor. The whole addition then was to the liberal party. My Lords, one of these gentlemen has since died. The circumstances of another gentleman, to which I will not further advert, rendered the appointment objectionable. Another of the gentlemen appointed was the judge of the county court, residing in the immediate neighbourhood of Manchester, between four and five miles of Stockport, and I will show you that if he has taken his seat upon the bench since his appointment it was only upon one occasion, and that for a very short time, with the exception of one other memorable occasion, to which I shall have to direct your Lordships' attention. My Lords, the notice of these appointments having been received on the 15th November a meeting of the town council immediately took place, and they resolved that, fully coinciding in the opinion of their predecessors, and concurring in the resolutions which had been passed on the 13th August, they should send a deputation to remonstrate with the noble and learned Lord, and again to state that there was no necessity whatever for an addition to the bench of magistrates. These gentlemen arrived in town on the 15th, and on the 16th and 17th they waited upon the noble and learned Lord. They were then informed that the noble and learned Lord would receive either a deputation or a memorial, and it was subsequently stated that he would prefer a memorial, if that memorial were presented within three days. The deputies remonstrated, and said that it was impossible to have a meeting of the town council before the following Monday—that being Friday—and they were informed in that case that Tuesday would be time enough. Now, my Lords, I will show you why it would be time enough. On the 20th, the meeting of the town council was held, but previous to that meeting a resolution had been come to which might have been anticipated—to diminish the salary of the new town clerk from 500*l.* to 400*l.*, and to continue the same arrangement which had been enforced with regard to his predecessor, of the same person holding the two offices, and handing over the surplus fees to the borough fund. That arrangement required the co-operation and assent of the borough magistrates; and for the purpose of obtaining that consent, a meeting of the magistrates was appointed to take place on Saturday, the 25th. I beg your Lordships to remember these dates. The letter of the Lord Chancellor was received on the 15th. The deputation waited upon him on the 17th, and were informed that they might present a memorial not later than the Tuesday following. That memorial was presented on the Tuesday, and on the Wednesday the noble and learned Lord wrote down to say, that having given full consideration to the memorial of the town council of Stockport his Lordship was of opinion that an increase of the magistracy was necessary, and consequently that he had actually sealed the commission. My Lords, upon the receipt of this information a deputation was again sent up (and it arrived on the 21st), to wait upon the Lord Chancellor, and ascertain his final decision; and certainly that deputation augured very readily the success of their mission, when, in attendance upon the Lord Chancellor's secretary, they found one of the two magistrates who had signed the original memorial, one of the gentlemen who was designated as one of the new magistrates, and Mr. Henry Coppock, the late town clerk. The deputation then returned to the borough of Stockport on Thursday. I have ascertained—or at least the parties say they can prove the facts—that the new commission of the peace was handed from the Crown Office to Mr. James Coppock on the Wednesday or Thursday—that by Mr. James Coppock it was sent down to his brother Mr. Henry Coppock — that private information was given to all the five new magistrates who were to be qualified—that in the interval between the Thursday and the Saturday, when the meeting was to take place, they did so qualify—that all the four newly-appointed magistrates attended on the Saturday, and that by one of them a resolution was moved, and by the other of them a resolution was seconded, disagreeing with the arrangement of the council, and by the united weight of these four votes the scale was turned, and the arrangement was done away with—and the whole amount of the fees was still received by Mr. Henry Coppock, and the borough was thus subjected to additional expense in consequence of these fees not being paid over to the borough fund. Now, my Lords, I have only to add this—that the judge of the county court (Joseph St. John Yeates, Esq.) was the person who moved that resolution. He resides, as I have said already, four miles from the borough; and from that time to this he has never set foot upon the bench except once, and that only for a few minutes. The same, but to somewhat greater extent, is the case with another of the newly-appointed magistrates. A third is lame. The consequence is, that no addition has been made to the judicial strength of the bench, although the other object has been most effectually secured. My Lords, these are the facts which have been laid before me. I ask your Lordship, is there a man amongst you who does not connect these facts, these dates, these circumstances, with the object which the petitioners allege to have been entertained, and which, in point of fact, has been effected by the appointment of these magistrates. I do not charge the noble and learned Lord with being cognisant of all these transactions, still less with having lent the sanction of his high authority to these disgraceful proceedings. But this I do say, with all respect to the noble and learned Lord, that I think it is a strong exemplification of the danger of neglecting the advice and opinion of authorised and competent persons, and listening in the appointment of judicial officers to the private and underhand suggestions of parties who may, and very probably have, a personal and pecuniary interest in the matter. I regret that the noble and learned Lord has been imposed upon, as I think he has been; but the circumstances of the case having been stated to me—the borough of Stockport being in a state of great excitement with respect to the proceedings which have taken place — and the proceedings themselves being calculated in no slight degree to diminish the authority of the bench, and to shake the confidence of the people in the administration of justice and of the appointment of those who are to administer it —I think I should have failed in my duty — being somewhat connected with the county in which the borough of Stockport is partly, at all events, situated—if I had not, after the full information which I have obtained, and having satisfied myself of the facts, laid them before your Lordships, for the purpose of affording an opportunity to the noble and learned Lord of giving an explanation to your Lordships.

The LORD CHANCELLOR, who was very indistinctly heard, said, it was impossible for their Lordships to judge of the course which he had taken without going into more explanation than that which had been given by the noble Lord. He would state briefly what had been the course of proceeding on the appointment of borough magistrates since the Municipal Reform Act was passed. Their Lordships were aware that upon that Act first passing a certain number of magistrates were appointed; but they were not appointed as magistrates to the different boroughs till after there had been a careful explanation given, for the purpose of ascertaining what magistrates it was expedient to appoint to each. That was obviously a very necessary preliminary inquiry. A certain number of additional magistrates were required in regard to the borough of Stockport. The number at that time regularly attending was afterwards found to be not sufficient to transact the business of the borough of Stockport; and in the course of the year 1841 three other magistrates were appointed, in consequence of deputations from that town, and of representations which were made to his noble Friend, who was at that time Secretary of State for the Home Department, that the number of magistrates was not adequate to carrying on the magisterial office. The very same gentleman who had presented this petition through the noble Lord, then represented to his noble Friend, who was then Secretary, that there was no necessity for increasing the number of magistrates—that there was a sufficient number; and the statements of the deputation were then inquired into, and the Secretary of State was of opinion that the number of magistrates should be increased by three. Those gentlemen viewed with dismay that the number of magistrates should be increased, especially for political purposes. It so happened subsequently, fortunately for the views of those gentlemen, that there was a change of Administration, and those six gentlemen who had been so averse to any increase, and so confident that there was a sufficient number of magistrates for the business to be done—those persons were satisfied when there was a change of opinion, and they had forgotten the laudable purposes for which they were appointed—in short, those who did not adopt the same politics as themselves; but the addition of those who entertained opinions like their own gave a different complexion to the case. The number, then, according to the petition, was twenty-one. There were eighteen acting magistrates; and after the appointment of five others, in the end of the year 1841 (not by his noble Friend), there were eighteen acting magistrates; and nothing was heard more of the borough of Stockport. Now, he would state the course which he had thought fit to adopt, and which he believed had produced beneficial results. Their Lordships must be aware that if upon every application of parties it were the business of the Lord Chancellor to enter into a discussion, investigation, and decision of the merits of the contests between the liberal and conservative interests in boroughs and elsewhere, he would have more to do than it would be possible to achieve. One way in which these questions continually arose, was from the call which was made for additions to the number of the magistracy, by reason of vacancies occurring from deaths, or the removal of the magistrates to other parts of the kingdom. But, in the hope of investigating these cases, he adopted this rule when parties came to him with this object in view. He first inquired what was the number of magistrates in 1841, not including the additions which were made at the latter end of that year—because he did not approve of that addition—but to pass over them and inquire what was the number anterior to 1841. He inquired into that, because he knew that the history of all boroughs had been accurately investigated by his noble Friend as to how many the Reform Bill gave to each borough; but their Lordships were aware that in some boroughs there were peculiar considerations—as in some of the manufacturing districts. In this case it was the duty of the Great Seal to inquire into the circumstances in order to ascertain whether they were such as to justify such proceedings. In the case of the borough of Stockport, it appeared that there had been an increase—and a very rapid increase—in the population. In 1830, the population was 40,000; and in 1841, it was 50,000; and at the present time it was 60,000: therefore, there was an increase of 10,000 in the population added to the number between 1841 and the period at which he was requested to appoint additional magistrates. In the meantime, by deaths, or by parties leaving the district, the number of the magistrates, which was eighteen in 1841, had been reduced to eleven. Applications were made to him to add to the number of magistrates, the number being reduced to eleven. An application was made, signed by three persons, praying for an increase in the magistracy. The first step he took was to look into the matter, and to make an inquiry into the fact alleged, and also to communicate with the town council, such application being made for the purpose of obtaining information. The number who had originally applied was only three; but no sooner was it known that he entertained the intention of adding to the magistracy — this he mentioned to show the feeling of the town—than he received a memorial from men who were highly respectable, and who were fitted by their character, their education, and their position, to fill high official appointments. The memorial adverted to the petition of the magistracy, which was alleged to be owing to their exclusive political feeling. Now he would beg to state to their Lordships by whom this memorial was signed: it was signed by six magistrates, two aldermen, by the coroner of the county, by twenty persons being ministers of different denominations and others, and by 2,000 inhabitants, representing at least one-fifth of the property of the place, and the signatures being obtained between ten and four o'clock. He stated these facts to their Lordships to show, that if there was a strong feeling on one side, so there was on the other. With respect to the magistrates in 1841, it so happened that all the vacancies which subsequently occurred were on the side of the Liberals, and thus those who had been in the minority became the majority. Now it was not rare to find a minority suddenly converted into a majority using their victory with little gentleness. Some time before the offices of town clerk and clerk to the magistrates were held by one gentleman, Mr. Henry Coppock; this gentleman, the majority of the town council, on the change of the proportion of parties, took the opportunity of dismissing from his office: no fault was alleged against him, but his political opinions were not in unison with those of the magistrates. It had been made matter of complaint in other cases that gentlemen had been dismissed from public offices by the tyranny of a majority. Although a party had no permanent interest in his office, yet, if he were guilty of no fault, it was obviously a hardship that he should, under such circumstances, be subjected to the loss of position and the loss of income which dismissal involved. It would be in the recollection of their Lordships that the framers of the Corporation Act, foreseeing that considerable changes might take place in the composition of corporations, and that great hardship might arise from the dismissal of those who held the office of town-clerk, made povision for giving compensation in all such cases. Parliament, then, had recognised it as a hardship that a public officer should be dismissed under such circumstances, though he had no permanent interest in his office. The town council of Stockport had dismissed Mr. Coppock, and the only reason assigned for their doing so was that he was not of their political opinions. In November application was made for the appointment of additional magistrates, and he (the Lord Chancellor) had received communications from various individuals which he should have been glad to read to their Lordships had he felt himself at liberty to make that use of the information so transmitted without the consent of the parties. He found that in 1841 the number of magistrates was thirteen; that the population had increased in the course of eight years from that period by 10,000 persons; and, assuming thirteen to be the proper number for 1841, he held that he was acting within the limits of the rule so laid down when he added four to the number of the magistrates, not including the mayor. The noble Lord had alluded to one of those additional magistrates, namely the Judge of the County Court. As that gentleman lived in the vicinity of Stockport, and as it was desirable to appoint the judges of the county courts magistrates when they were willing to accept the office, he (the Lord Chancellor) had inserted that gentleman's name in the commission of the peace. So far from its being a mere matter of choice to select judges of county courts as magistrates, the Act by which their offices had been created expressly authorised the appointment of the judges of county courts to the commission of the peace without any qualification. And with reason; for those functionaries were necessarily conversant with legal matters, and peculiarly qualified by the nature of their experience and acquirements to act as magistrates. When he found a competent person, his rule was to appoint him; and the Act, so far from its being a matter of choice, directed and authorised the Great Seal to appoint judges of the county courts without any qualification. Now, their Lordships would be surprised to learn, after the statements which had been made by the noble Lord, that in this petition no objection whatever was urged to those persons who had been appointed. He knew the noble Lord had stated matters not as upon his own knowlege, but which had been stated to him privately; but when the noble Lord made such statements and in such a manner, he did not do what was fairly required at his hands. As to his having had any personal communication with parties from Stockport, he could only say that on no occasion had he received any person from Stockport. He had formed his judgment from what he saw in the papers laid before him, and he had appointed the four persons who were represented to him as persons qualified to fill the office of magistrates. The fact was that those who had held the majority did not like being placed in a minority on some occasions. In 1841, when a number of magistrates were appointed, they were Liberals. He did not say anything about the principle of these appointments; but if the noble Lord's Colleagues did right in 1841, surely, in following that example in 1848, he could not be wrong. It was alleged that the recent appointments had been made on account of the parties being Liberals. Now, in making these appointments he acted on the best information he could collect. Such appointments should be made on public and not on private grounds; and whether they were good or bad, it was on public principles that the appointments had been made. A petition on the subject had been sent from, as alleged, the corporation of Stockport against the appointments. Certainly, the petition, until closely looked into, had the appearance of having come from the Mayor, Aldermen, and Common Council of Stockport; but, when examined more closely, it would be found rather to bear the character of a petition from individuals only. He doubted, therefore, the propriety of calling this petition a petition from the Mayor and Corporation of Stockport. The petition was signed by the mayor and six gentlemen connected with the corporation—the mayor being one of the excluded magistrates. The petitioners prayed for the removal of the parties who had been recently appointed; and they hoped their Lordships would not defeat the alterations in their system of corporate policy which they had in view, by continuing these new appointments. They said that the appointments had been made without their concurrence; and they expressed their astonishment that he (the Lord Chancellor) should have interfered in the appointment of magistrates, without first consulting the existing authorities and the magistrates of the borough. He certainly had not done as the petitioners wished. He had simply infused fresh blood into the composition of the magistracy—a proceeding that he hoped would have tended to moderate the political views which were entertained by that body. The petitioners said the appointments were made without their concurrence, and they, therefore, prayed that House to adopt some plan by which such a proceeding should not occur again. Now, if their Lordships considered what had been done, they would be able to judge of the propriety of what the petitioners asked. A Minister of the Crown, exercising the prerogative of the Crown, after taking into consideration the reasons laid before him for making an increase to the Stockport magistracy, had added four magistrates to the number. The main reason for this increase was, that since 1841 the number of inhabitants had increased 10,000, and the Crown thought that the addition of four was a fair addition to make. The appointment of the four magistrates was conferred on unexceptionable persons. He had no personal knowledge of any of the individuals who had been recommended, or who had applied, and he conferred the appointments to the best of his judgment. The petitioners did not state that they had any personal objection to any of the individuals appointed; they only complained of the number and the mode in which the appointments had been made. Now, he looked to the present number of magistrates, and he found they did not reach the number which existed in 1841. He admitted there was much political feeling in the borough of Stockport—that was the case with all boroughs. Political animosity in this metropolis was nothing as compared with the political animosity of boroughs—and how the peace was to be preserved, unless by a change in, or an addition to the body of magistrates, when party conflicts became too violent, he could not understand. The best way, in his opinion, was to keep the balance between political parties as even as possible. The noble Lord said that all the new appointments ought not to have been on one side.

He repeated he had not acted on a political rule at all in these appointments. He had no party feeling in the case, and he had given his best attention to the suggestions on the subject which he had received. He did not doubt, however, that parties of a liberal tone of politics would be more readily recommended, as likely to have the best chance, because their political views might be considered as coinciding with those of Government. But he denied having made these appointments for party purposes. He had adopted the rule of 1841, and had adapted it to the change of population, and no personal objections had been made to the appointments. He considered it was right to make these appointments without the concurrence of those six gentlemen, and in what he had done he had not exceeded his duty.

Lord STANLEY remarked, that the noble and learned Lord had not touched on the subject of the secret influence which had been brought to bear on those appointments. The number of magistrates which in 1841 was 13 was subsequently increased to 18. Of the 13 who in 1841 were in the commission of the peace, only nine were resident and active. In 1848, there were 16, of whom 11 were resident and active. The entire number in 1841 was 13, and in 1848, 16.

The LORD CHANCELLOR had only referred to the allegation in the petition presented by the noble Lord, that in 1841 16 gentlemen had been appointed, of whom 9 were then resident. He could not say how many magistrates were continually resident within the precincts and borough of Stockport.

The Marquess of SALISBURY considered that the statement of the noble Lord furnished a strong case for inquiry. Very serious considerations arose from such facts as had been laid before their Lordships, and it was, therefore, proper that a rigid inquiry should take place. The noble and learned Lord, in his reply, had confined himself to the mere facts of the appointments, and had totally lost sight of the allegation of secret influence by which those appointments had been made. The noble and learned Lord's argument was this—that because five Conservative magistrates were appointed in 1841, five Radical magistrates ought to be appointed in 1848. Now, whether it was right or wrong to appoint these Conservative magistrates in 1841, he protested against the Lord Chancellor of England using the high trust reposed in him to make appointments in conformity with the politics of any party.

Subject at an end.

NATIONAL EDUCATION IN IRELAND.

The Bishop of CASHEL asked the noble Marquess (Lansdowne), pursuant to notice, whether the Committee of Council on Education, having laid down rules whereby they can give to schools in England of all denominations, including Roman Catholics, assistance from the State, the Government is prepared to act upon the principle of those rules, by affording to the schools in connexion with the Established Church in Ireland an equal measure of assistance, without requiring any conditions to which the members of that Church find themselves in conscience bound to object?

The Marquess of LANSDOWNE could state distinctly that it was not in the contemplation of Her Majesty's Government to extend to Ireland the same system of national education as that which was now in the course of application in this country. It was their opinion that no alteration should take place in the system in Ireland.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, March 29, 1849.

Minutes.] New Member Sworn.—For Derby County (Southern Division), William Mundy, Esq.

3° Prisoners Removal (Ireland).

Petitions Presented. By Mr. Goulburn, from Masters and Scholars of the University of Cambridge, against the Parliamentary Oaths Bill.—By Mr. Cowan, from Members of the Baptist Church, Bristo Street, Edinburgh, in favour of the Affirmation Bill.—By Mr. H. T. Hope, from Persons connected with the Cathedral Church of St. Peter, Gloucester, respecting Lay Clerks of Cathedral Churches.—By Captain Harris, from Bournemouth, Southampton, for an Extension of the Church of England.—By Mr. Bouverie, from Norwich, and several other Places, in favour of the Catholic Relief Bill.—By Mr. Gladstone, from Persons connected with the Metropolitan Church of York, against the Marriages Bill.—By Mr. T. Greene, from Inhabitants of Dudley, Worcester, in favour of the Marriages Bill.—By Mr. Fergus, from the Presbytery of Kirkcaldy, against the Endowment of the Roman Catholic Clergy.

ROMAN WORKS OF ART.

Mr. J. O'CONNELL gave notice, that on Friday or Monday he would put a question to the Government as to whether they would permit the importation, free of duty, of works of art purchased from the Provisional Government of Rome.

Mr. HUTT asked whether there existed

any law or any power which would prevent the delivery of such works of art, if purchased in this country?

MR. LABOUCHERE said, he had no means of information on this matter not possessed by Members generally. He apprehended there was no law of trade in this country to prevent works of art coming into the country, however obtained. The possession of those works of art was another question; and custom-house officers could not be expected to distinguish as to how those articles had been obtained.

STATE OF IRELAND.

MR. J. O'CONNELL called attention to the notice placed by him on the Paper for the purpose of bringing the condition of Ireland under the consideration of the House. He had put the notice on the Paper, not so much for the purpose of stating his own opinions, as with the view of drawing from influential parties in that House their impressions with regard to the condition of Ireland. There seemed to be a general acknowledgment that hitherto a mistaken and disastrous policy had been pursued towards Ireland, and it was time that some large and comprehensive measures for her relief should be introduced. He particularly wished to bring fully out, if possible, the plan, of which an outline had been given on a former occasion by the right hon. Gentleman the Member for Tamworth. That was a plan which had attracted a great deal of attention in Ireland, though it had merely come before the public in an imperfect state. There was this much about it—it appeared to be "a large and comprehensive plan" in the real and not in the ridiculous sense of the phrase. He expected also to hear from the hon. Gentleman the Member for Buckinghamshire what great promises he was prepared to hold out to Ireland. When that hon. Gentleman brought forward his Motion with respect to agricultural distress, he said he intended much good for Ireland, if he had but an opportunity of explaining it; and he (Mr. J. O'Connell) wished to give him an opportunity of stating what his views were. He hoped that Her Majesty's Ministers might be stimulated by what had fallen from the two hon. Gentlemen of whom he had spoken to state also their plans. He trusted they would hear something statesmanlike from them, instead of the miserable expedients to which hitherto they had recourse—expedients mistrusted even by themselves, but which was the only system of policy they as yet had developed in reference to Ireland. He should not, however, bring forward his Motion on the present occasion, because he expected that the opinions of the parties to whom he had referred would be elicited during the adjourned debate on the Rate in Aid Bill.

Motion postponed.

SAVINGS BANK (IRELAND).

MR. REYNOLDS, in moving for a Select Committee to inquire into, and report upon, the circumstances connected with the failure of the St. Peter's Parish Savings Bank, in Cuffe-street, Dublin, said, that late in the last Session a Select Committee was appointed to inquire and report on the savings banks of Ireland, and that after sitting for eight days they reported that, owing to the late period of the Session they had found themselves unable to come to a satisfactory conclusion, and were of opinion that further inquiry should take place, but that they thought it expedient even in that Session that an Act should be passed regulating the liabilities of trustees, and for the audit of the accounts of savings banks. In accordance with that recommendation a Bill was introduced and had passed into a law. Now, the bank which was the immediate subject of his present Motion was established in 1818, with a due complement of trustees, managers, and actuary. They opened an account with the Commissioners for the Reduction of the National Debt; they received deposits, and exhibited all the exteriors of prosperity within. He found that upon one occasion the deposits exceeded 300,000*l.*, and were seldom under 200,000*l.* But in February, 1831, the actuary absconded, and it was found that he had been guilty of malversation of the money of the bank. A full statement of his delinquencies was transmitted to the Commissioners for the Reduction of the National Debt, in London; and that central authority deputed a gentleman whose name was well known in Ireland as well as in England (Mr. Tidd Pratt), to visit the savings bank in Cuffe-street, Dublin, to inquire and report on the frauds that had been committed, and to arbitrate and decide upon the accounts of the unfortunate depositors. The trustees and managers threw open their books for his inspection; and he (Mr. Reynolds) might say for the trustees of that day, that, collectively and individually, they were solvent and respectable men. Mr. Tidd Pratt found, by the annual accounts of the bank, that they had to their credit a surplus with the Commissioners of about 3,500*l.*, and in their own (the trustees') hands, of 27,772*l.* 12*s.* 5*d.* more. Nevertheless, Mr. Tidd Pratt entered upon the investigation, and found that about 8,000*l.* had been received by the actuary and not accounted for, and he decided that the 3,500*l.* surplus should be made available for the payment of part of the deficiency, and awarded in round numbers 4,000*l.* against the funds of the bank, and that the other 4,000*l.* should remain unpaid. Having made that rope-of-sand arrangement, Mr. Tidd Pratt returned to London, and made his report to his masters. He was examined before the Committee, and was asked how the bank could be insolvent to the extent of 8,000*l.* when it appeared to have a surplus of 32,000*l.*? He was a little puzzled at the question, and could not answer it to his (Mr. Reynolds's) satisfaction. What had followed? The trustees told Mr. Tidd Pratt the bank was in a state of insolvency, and said they had better wind it up and divide the assets *pro ratâ* amongst the depositors. But that gentleman said, "No; keep the bank open; you are in good credit. Depend on the surplus profits for the payment of this balance." They did so. All the trustees but three retired, and so things continued until 1839. They annually transmitted their accounts to the Commissioners. It appeared that in 1832 they made a profit above the expenses of 4,476*l.* 10*s.* 5*d.*, which, with the former surplus, amounted to 35,959*l.* In 1833, the annual account transmitted by them to the Commissioners showed a deficiency of 3,671*l.* 12*s.* 2*d.*, showing a total deficiency, considering the former surplus, of 39,630*l.*, lost by fraud and speculation in twenty-four months. In 1834, the deficiency of the bank was 7,004*l.* 4*s.* 9*d.*; in 1835, 13,624*l.* 16*s.* 4*d.*; in 1836, 19,143*l.* 10*s.* 6*d.*; in 1837, 18,589*l.* 9*s.* 8*d.*; in 1838, 25,871*l.* 6*s.* 6*d.*; in 1839, 24,123*l.* 12*s.* 11*d.*; in 1840, 23,019*l.* 15*s.* 2*d.*; 1841, 21,736*l.* 11*s.* 8*d.*; in 1842, 20,621*l.* 7*s.* 7*d.*; in 1843, 20,862*l.* 19*s.* 11*d.*; 1844, 19,964*l.* 3*s.* 10*d.*; in 1845, 18,456*l.* 12*s.* 11*d.*; in 1846, 20,541*l.* 2*s.*; and in 1847, 32,922*l.* 16*s.* 1*d.* This statement rested on the best authority, that of Mr. Hyam, of the National Debt Office, who was examined before the Committee, and admitted that he and the various Chancellors of the Exchequer, with their assistants, from 1831 to 1847 inclusive, were aware of the fact that the Cuffe-street savings bank was insolvent, and unable to pay. And yet they permitted the servants and the artisans of Dublin to lodge their savings in this bank during all that period. After the most diligent inquiry that could be made, it was found that 50,000*l.* was now due to 1,664 persons, belonging to this unfortunate class of the inhabitants of Dublin. There was only 83*l.* to the credit of the bank to meet this large sum. But this Mr. Tidd Pratt had calumniated his (Mr. Reynolds') fellow-countrymen. In reporting to the Lords of the Treasury on the state of the Tralee and Killarney savings banks, he said that the depositors who came before him belonged to a class of persons for whom these institutions were never intended—that the money was invested in many cases to avoid the payment of rent, and by persons who lived on charity and were in the actual receipt of indoor and outdoor relief; and that the inquiry was rendered most painful in consequence of the utter disregard of truth, the falsehood and subornation of perjury displayed by the claimants. Such was the sweeping and wholesale allegation against the inhabitants of a county who were remarkable for their good order and their industry, the best proof of which was, that they had lodged no less than 80,000*l.* in the savings banks of Tralee and Killarney. Well, a trial took place at the last assizes in Kerry in connexion with this affair. Mr. Tidd Pratt was one of the witnesses; and would the House believe that this gentleman, who accused the inhabitants of a whole county of falsehood and subornation of perjury, admitted on cross-examination during the trial that he did not examine a single witness on oath? When asked what was subornation of perjury, he was silent. There were 2,700,000*l.* in the Irish savings banks in 1844, belonging to 100,000 individuals. Were they to be at the mercy of a flippant barrister, who could thus calumniate them with perfect impunity? He tried his hand at calumniating the Cuffe-street depositors also. But when he (Mr. Reynolds) informed the House that the average due to each of the 1,664 depositors of that bank was only 27*l.*, the House would be able to judge what class the depositors belonged to, and could estimate the wide-spread misery which its failure must have occasioned. He had witnessed the most distressing scenes in Dublin during the last eighteen months in consequence of it. It was impossible for the House to imagine the wide-spread misery that the failure of this savings bank had occasioned—misery which, so far as he had seen, was unparalleled in the history of human suffering. He knew an industrious man, a bookseller, who had lost his wife, and was left with five children. This man had lodged 160*l.* in the bank, and his anxiety of mind on its failure brought on a brain fever, which turned to typhus. He died, leaving his five children penniless, and three of the children ill of typhus fever. He had known of some instances of suicide from the same cause. Whenever a claim had been made on that House for the relief of Irish distress (and he said it to their credit), they had always responded to it liberally and generously; but he had also usually heard it asserted at such times that the poverty of the Irish was owing to their want of self-reliance. But no such want could be alleged against these 1,664 unfortunate depositors, who had accumulated 50,000*l.*, and had invested it in a bank which they believed to afford a Government security. But it appeared now that these funds were neither secured by the public exchequer nor by the Act of Parliament. The trustees refused to produce their books; and if the depositors ever got them, a period of two years must elapse before the final decision of the court of law; and even then the case might be carried, by appeal, to the House of Lords. If, however, the books were produced, the depositors could make nothing of them after the verdict obtained in his favour by Mr. Fitzgerald at Tralee. Not a penny could be recovered, because the law of 1844 interfered. He might be asked what claim these depositors had upon the public exchequer? And he replied, that the Commissioners for the Reduction of the National Debt were aware of the insolvency of the bank, and it was their duty to have had it closed. Of the 50,000*l.* of deposits, 13,000*l.* had been deposited previous to 1844, and 37,000*l.* since that year, no portion of either of which sums could, for various legal reasons, be recovered. The Cuffe-street savings bank in 1839 got into difficulty for the second time. The Commissioners for the Reduction of the National Debt had at that time repeatedly written to the trustees pointing out the unsatisfactory state of the affairs of the bank, and suggesting an inquiry into the accounts. On the 19th of January, 1839, the Commissioners wrote to the trustees to say that nothing short of a thorough investigation of the accounts of the institution by a professional accountant could be satisfactory; and the Commissioners further expressed a willingness, on obtaining the consent of the trustees, to send a professional accountant to examine the affairs of the bank. The answer returned by the trustees was, that they by no means concurred in the proposal of the Commissioners, the necessity for such a step being in their opinion best answered by the last year's accounts, a copy of which they transmitted to the Commissioners. Mr. Tidd Pratt being hereupon consulted by the Commissioners gave it as his opinion that they had no power to compel the trustees and managers to allow the accounts of the bank to be investigated; and he further stated that he had no doubt the apparent deficiency might be satisfactorily explained if an investigation took place. It was thereupon the duty of the Commissioners to have come down to that House, and demanded an Act of Parliament, empowering them to conduct such an investigation; and the Commissioners had most grossly neglected their duty, in allowing the bank to remain open, when, under the Act of George IV., they had the power to close it, by directing the Bank of Dublin to refuse to receive any more deposits from the Cuffe-street savings bank, and to close their accounts, and to advertise that circumstance in the public papers. The Commissioners had also the power to compel the trustees to post up in the office of the Cuffe-street bank a verbatim copy of the annual accounts of the bank, so that the unfortunate depositors might know the state of the bank—all which they had neglected to do. In the year 1844 there were 20,000 depositors in the savings banks in Dublin, who probably all believed that these institutions were established for the safe custody of the earnings of the poor. The returns relative to saving banks in Ireland in 1844 gave a total of 91,243 depositors, the amount of whose investments was 2,749,017*l.* Now, the failure of the Cuffe-street bank was a proof that there was no protection for these depositors except in the integrity of the managers and trustees of these banks. In the United Kingdom in 1844 the grand total of depositors in the savings banks, including friendly and charitable societies, was 1,012,047, and the total amount of their investments was 31,275,636*l.* The accounts of the Cuffe-street savings' bank, according to the evidence of Mr. Higham, exhibited in 1835 a deficiency of 13,624*l.*, which gradually increased until the deficiency amounted in 1838 to 25,371*l*. The deficiency fluctuated slightly during the years from 1838 to 1847, but was never less than 18,456*l*., and in 1847 the deficiency amounted to 32,922*l*. The Commissioners had, notwithstanding, allowed the bank to go on, and these unfortunate depositors to be robbed of their earnings, when they might at any moment have stopped the bank. In the name of these 1,664 depositors, who had committed no crime, he implored the House to agree to his Motion, and grant him a Select Committee, to inquire into all the facts of the case and report to the House. Although the trustees might defy the power of the Queen's Bench, they could not dispute the authority of that House, and they must produce their books before that Committee. Would he saddle the public treasury with the payment of this 50,000*l*.? He avowed that he would, if it ought morally and legally to make good that amount. He might be told that the public treasury was at a low ebb. He did not believe it; and, if it were so, the honour of the country, the character of the House, and the integrity of those who had been at the helm during the last fourteen years, were deeply involved in the investigation of this question. He begged to point out to his right hon. Friend the Chancellor of the Exchequer that the Commissioners for the Reduction of the National Debt had made a profit of 300,000*l*. by the deposits of the savings banks surplus balances. He thought a portion of that sum might fairly be devoted to such a purpose as the present. It belonged to no one, and he advised the Chancellor of the Exchequer, if he happened to want money, to fall back on that source of revenue. He besought the House, on behalf of these depositors, not only in the name of justice, but also in the name of mercy and compassion, to agree to his Motion; and, if they desired to save these persons from utter and total ruin, to grant them the Committee which they sought.

Mr. NAPIER seconded the Motion, and thought that, after the able speech of the hon. Member for the city of Dublin, there could be no doubt of the necessity for a full and searching inquiry into this case by a Committee of that House. Having been retained by the trustees in the suit before the Court of Queen's Bench, he was able to assure the House from them, that so far was it from their wish to throw any difficulties in the way of a searching inquiry, he was authorised to say they were not only willing, but desirous, to state the real facts of the case before a Committee of that House. The point at issue between the trustees and Mr. Tidd Pratt was, whether that gentleman was empowered, under the Act of Parliament, to ascertain the question of the personal responsibility of the trustees, who were unwilling to submit so large a question to his adjudication, as it would have given him the power to fix a personal responsibility of some thousands upon each trustee. Accordingly, when Mr. Tidd Pratt demanded to inspect the books, with a view to fix the trustees with personal responsibility, the trustees replied that they were willing to concede the inspection as a matter of favour, but not as a matter of right, and that they could not allow his claim to inspect the books for the particular purpose of fixing their personal responsibility. The Court of Queen's Bench, on being appealed to, said the question was an important one, and they would not give an opinion, but granted a *mandamus*, so that the question of law might be raised on the return of that *mandamus*. The trustees, therefore, assured him (Mr. Napier) that if a Select Committee were granted, they were anxious to expose every book and paper in their possession before that Committee. It was now understood that the trustees would contest the matter no longer in the Court of Queen's Bench; they were, however, perfectly ready to lay everything before the Committee. And this, also, they were fully prepared to do—they were prepared to contest the power or authority of Mr. Tidd Pratt to fix upon them any degree of personal responsibility. Upon these grounds, then, he took upon himself to say, without any hesitation, that there never was a case fitter for the consideration of the House of Commons than that which arose out of this matter of the savings banks. In the hands, then, of the House he left it, with full confidence that the authority of Parliament would cause these unfortunate deficiencies to be made good by the parties who were liable, according to every principle of justice and honour, to pay the money, and by those only. They all had heard of the arbitration that had taken place, how the arbitrators had agreed to differ, and how then, but not until then, Mr. Tidd Pratt had been called in. He presumed that he need scarcely remind the House, because it was a matter well known to all who paid the least attention to these subjects, that it was the duty of the Commissioners to take care that all accounts connected with savings banks should be accurately and correctly kept. The Commissioners possessed the power at all times to call for those accounts; and if the trustees, in any respect, neglected their duty, the Commissioners had a power which, in all fitting cases, they ought to exercise; they had a power to close the whole accounts of the bank. He greatly regretted to observe what had been the course of legislation in this matter; it was to reduce, from time to time, the responsibility of the trustees; but, in proportion as that responsibility was reduced, so was the moral obligation of the Commissioners increased. Precisely in the same degree as the trustees were relieved, so should the vigilance of the Commissioners be awakened. Now, with respect to the particular bank at present under consideration, there was every reason to believe that, if the accounts had been closed in 1845, the assets would have been sufficient to pay the depositors as much as 18*s.* 6*d.* in the pound; but, at present, the poor people could get little or nothing. He had been, as he had already stated, professionally consulted in this matter; and though he gave his clients a professional opinion, yet he told them what he was ready to say over again in that House, that he never should permit any such consideration to interfere with the full and free performance of his duty as a Member of that House. As regarded the Motion of the hon. Member for the city of Dublin, he had no difficulty in saying that the trustees ought most earnestly to desire a full and complete investigation; everything should be sifted to the utmost, and if everything were clear and satisfactory, and that no fraud had been committed, all the parties concerned would have reason to rejoice. If otherwise, the public ought peremptorily to demand the most minute and rigid investigation; because, without such inquiry, he did not see how it would be possible to remove imputations of a kind that would affix a stain upon the private reputation of any man.

Motion made, and Question proposed—

"That a Select Committee be appointed to inquire into, and report upon, the circumstances connected with the failure of the St. Peter's Parish Savings Bank, in Cuffe-street, Dublin, and into any security or liability that may exist for the satisfaction of the losses thereby occasioned."

MR. H. A. HERBERT rose to move that the inquiries of the proposed Committee be extended to the savings banks at Auchterarder, in Scotland, and Tralee and Killarney, in Ireland. He had received a communication requesting him to add the name of Auchterarder, and he did so with every reason to believe that as regarded that place there were good grounds for inquiry. With respect to the cases of Tralee and Killarney, he found himself perfectly prepared to make out such a case as could not leave a shadow of doubt that they ought to be included within the scope of the intended inquiry; and in bringing this part of the subject under the notice of the House, he hoped that it would be felt that he was not outstepping his duty as an Irish Member. In the month of April, in addition to the other misfortunes which befel the inhabitants of the county which he had the honour to represent, and which they endured in common with the other inhabitants of Ireland—in addition to the distress which they had to bear, the people of Tralee—the county town of Kerry—heard it announced, to their great consternation, that the savings bank in that town was no longer solvent. The actuary did not abscond, but submitted to be tried for the fraud. The deficiency in the case was 34,000*l.*, there being only 1,600*l.* in the hands of the Treasury. At Killarney, where a similar event took place, the claims were 36,000*l.*, the available assets being 16,000*l.* The actuary at Killarney, he understood, went off to America. But before he proceeded further with this case he wished to call the attention of the House to the following clause in the Act of 1844:—

"And be it enacted, That no trustee or manager of any savings bank shall be liable to make good any deficiency which may hereafter arise in the funds of any savings bank, unless such persons shall have respectively declared by writing under their hands and deposited with the Commissioners for the Reduction of the National Debt that they are willing so to be answerable; and it shall be lawful for each of such persons, or for such persons collectively, to limit his or their responsibility to such sum as shall be specified in any such instrument."

If the law generally—not merely that Act, but if legal rights had been strictly enforced, there might have been tolerably good security for the depositors in savings banks. But what compensation would it be now to the depositors who had suffered to tell them that there never had been any regular system of inspection or superintendence, and no machinery by which the law could be carried into effect? To him it appeared most extraordinary that no mode or system existed for carrying out the law. There was every reason to believe that country gentlemen, both in England and Ireland, consented to become trustees with a view to promote the interests of the poor in their own immediate neighbourhood, but it was greatly to be regretted that they were afterwards very often disposed to leave the affairs of savings banks too much in the hands of the actuaries; and he also thought it was much to be regretted that in the Act to which he had referred, the interests of the rich were more consulted than those of the poor. For that measure those who introduced it were responsible; he begged it, however, to be understood that he made this remark without the least wish to set one class against another, for doubtless the Bill in question had been brought in with the best intentions; all he meant to suggest was, that when responsibility was removed or diminished, measures for increased vigilance ought to have been adopted; for instances of mismanagement and fraud were in many cases but too apparent. He would take one account furnished to and passed at the National Debt Office. It was an account by the actuary of the Killarney bank, ending November, 1844. It stated that there were 129 depositors above 50*l.* and not exceeding 100*l.*; they were set down as producing only 6,125*l.* 6*s.* 4*d.*, while it must be evident to every one who heard him that the amount could not be less than 6,450*l.* The next item was 26 depositors of above 100*l.*, and not exceeding 150*l.*, returned in the account as yielding a sum of 2,409*l.* 5*s.* 6*d.*, whereas nothing could be more clear than that 26 depositors of not less than 100*l.* must, at the very lowest computation, yield 2,600*l.*, showing a fraud on the face of the account respecting the two items of at the least 516*l.* In the succeeding year the following account was furnished:—131 depositors above 50*l.* and not exceeding 100*l.*, yielding 6,123*l.* 5*s.* 6*d.*, which, at the least, must have been 6,550*l.*, showing a fraud of 427*l.* From the account furnished by the same actuary in the month of November, 1847, it appeared that he returned—74 depositors above 50*l.* and not exceeding 100*l.*, which he brought out as 3,422*l.* 1*s.* 6*d.*; it must have been 3,700*l*; 41 depositors above 100*l.*, and not exceeding 150*l.*, which he brought out as 1,351*l.* 18*s.* 2*d.*; it must have been 4,100*l*: 15 depositors above 150*l.* and not exceeding 200*l.*, which he brought out as 1,275*l.* 4*s.* 2*d.*; it must have been 2,250*l.*—showing a fraud on the face of the account of at the least 4,002*l.* It might be said, that the Secretary at the National Debt Office was not responsible for this. It was, however, greatly to be regretted that the attention of the trustees had not been called to those striking and evident fallacies. Here was the case of an account, made out in a most discreditable manner, being put to a certain public body of Commissioners, and they saying that they had no business to look into it. Surely it was time that the House of Commons should put an end to such a mockery. He would now come to another exemplification of the system. There was a poor man of the name of Goodwin, a coast guard; he died in the year 1829, leaving three sons, whose names respectively were Michael, Francis, and John. On the 11th of May, 1829, he deposited in their names and for their use three sums of 24*l.* 18*s.* 11*d.* Their guardians deposited for each of them subsequently the following sums respectively—on the 25th of July, 1842, three sums of 16*l.* 3*s.* 4*d.*; July 13, 1846, three sums of 7*l.*; and May 3, 1847, three sums of 30*l.*, making in the whole, for Michael Goodwin, 97*l.* 14*s.* 4*d.*; a few shillings having been withdrawn by consent of his guardians; for Francis Goodwin, 98*l.* 3*s.* 1*d.*; and for John Goodwin, 98*l.* 15*s.* 8*d.* Upon the claims of these parties, the following award was made by Mr. Tidd Pratt:—

> "I do award, adjudge, and determine that the said trustees and managers do, on the 31st day of July next, at the court-house at Tralee, between the hours of ten and two o'clock, pay to the said Michael Goodwin the sum of 97*l.* 14*s.* 4*d.* in full, of all claim and demands which he has upon the said trustees and managers of the said savings bank. And I do further award, that the said trustees and managers do pay to the said Francis Goodwin the sum of 68*l.* 3*s.* 1*d.*, in full, of all claim and demands which he has upon the said trustees and managers of the said savings bank. And I do further award, adjudge, and determine, that the said Francis Goodwin has no claim or demand on the said trustees and managers in respect of the said sum of 30*l.* And I do further award, that the said trustees and managers do pay to the said John Goodwin the sum of 61*l.* 15*s.* 8*d.*, in full, of all claim and demands which he has upon the said trustees and managers of the said savings bank. And I do further award, adjudge, and determine, that the said John Goodwin has no claim or demand on the said trustees and managers in respect of the said sum of 37*l.*"

He thought that almost every Gentleman present would agree with him that no stronger proof could be adduced than that award furnished of the want of business qualifications or the negligence of that public officer who could have arrived at such a decision. He would mention another instance of what appeared to him an erroneous award. In the Tralee case it was decided by Mr. Tidd Pratt that the depositors who paid in their money before the year 1844 should receive 20*s.* in the pound, and those who came after that date only 3*s.* That was Mr. Tidd Pratt's construction or rather misconstruction of the Act. It was not only his opinion, but that of good legal authority, that this public officer had misconstrued the Act. If that learned gentleman's view of the Act were correct, then he did not hesitate to say that such a law would be a disgrace to the Statute-book of any country. If the law did not bear out Mr. Tidd Pratt's decision, then the disgrace attached to the Government officer. It was clearly a case in which the Government should compensate these poor people. In the year 1842, they compensated the sufferers by the Exchequer-bill fraud; there was then a loss of 377,000*l.*, and compensation to the extent of 262,000*l.* was given, the Government dividing the claimants into four classes, according to the different degrees of caution which they exercised. In that case Government did not venture to refuse compensation, for the parties injured were wealthy; they were powerful; they could make themselves heard, and could employ able advocates. It might be hoped, then, that the case of the poor would not, under present circumstances, be disregarded. He would ask those who had read the articles recently published in the *Times* upon this subject, if they could doubt that the impression of the writer in that journal coincided with the inferences which he had drawn from these transactions? He need scarcely say, that he had had no communication with any writer on this subject; and whether he had or not, would make very little difference; he merely adverted to what had appeared with reference to savings banks, for the purpose of showing that the observations which he made did not proceed from his own prejudices. That the Government was bound to compensate these poor people was undoubtedly the impression of the writers in the *Times* and the *Morning Chronicle*, both leading journals. They both came to the same conclusion; a strong proof that he was not carried away by any opinions peculiar to himself. In Ireland, it certainly was the general impression that savings banks depended on Government security; and, in confirmation of this, he might mention that the following was a copy of a circular issued to Captain Stokes from the War Office:—

> "When the staff officer observes that any pensioner is in receipt of wages sufficient for his support, he will point out the propriety of putting aside a portion of his pension into a savings bank, to meet the contingencies of sickness and want of employment, when they may happen to occur; and in order to afford the pensioner every information which may induce him to do so, the staff officer will place in some prominent part of his office the rules of the savings banks, and explain to every pensioner in full employment, that for whatever sums he may lodge there, Government security will be afforded him for repayment, with interest. If the pensioner consents that a certain portion per month, or per quarter, of his pension be so deposited, the officer will facilitate the arrangement by every means in his power."

This was dated September 23, 1843, and issued to the staff officer the latter end of August, 1844, and which had never since been cancelled. He (Mr. Herbert) might be told that this circular was addressed to pensioners, and was intended to apply only to them; but it was natural, after such a notification, that the pensioners should endeavour to induce their friends to deposit in savings banks, on the supposition that the guarantee announced would apply equally to them. He was informed that the losses of the pensioners were to be repaid; but those persons had no stronger claim to reimbursement than the other unfortunate sufferers. He hoped the right hon. Gentleman the Chancellor of the Exchequer would, in the Bill he had promised to introduce, propose some measures for placing these banks on a sounder footing. He wished, before he sat down, to refer to the charges of fraud which had been made by Mr. Tidd Pratt against some of his constituents, and which had been commented upon, not only by the English but by the foreign press. He had himself seen an article on the subject in the *Augsburg Gazette.* Mr. Tidd Pratt stated in his report that several parties who were inmates of union workhouses, and recipients from the late relief fund, had appeared before him as claimants, and that three persons who were in gaol for debt had presented themselves in custody of their gaolers to claim as depositors. Now, he (Mr. Herbert) had made careful inquiries as to the first of these charges, and he could state that it was entirely unfounded. He had also received from the governor of the Tralee gaol the following letter:—

> "County Kerry Gaol, October 16, 1848.
>
> "Sir—Having seen by a report made by Mr. Tidd Pratt on the subject of the Tralee savings bank, that gentleman states 'several pauper debtors, confined in the gaol of Tralee, appeared before him, in custody of the gaoler, for the purpose of establishing their claims to monies deposited by them in the Tralee savings bank,' I beg to inform you no such circumstance ever occurred. No person whomsoever confined in the county of Kerry gaol appeared, either in my custody or in the custody of any other officer of the prison, before Mr. Tidd Pratt, nor could any prisoner be taken before Mr. Tidd Pratt for any such purpose without an order from some competent authority; and no such order was ever received.—I have the honour to be, Sir, your obedient servant, "James Morphy,
>
> "Gov. of County of Kerry Gaol.
>
> "Henry A. Herbert, Esq., M.P."

He (Mr. Herbert) must say, he thought it most unjust that these unfortunate persons should have been thus calumniated. It had been said, that one abuse in the Irish savings banks was, that persons had deposited much larger sums than they were entitled to do under the Act of Parliament; but though he admitted the trustees were wrong in allowing such deposits, the evidence of Mr. Tidd Pratt showed that the same abuse existed in England. The greatest distress had been occasioned in Ireland by the failure of these banks. He knew that one poor man died brokenhearted at his loss in three weeks; a woman lost her reason from the same cause; and he conceived that the case of the unfortunate sufferers deserved the considerate attention of the Government.

Mr. W. FAGAN, in seconding the Amendment, deeply regretted that the hon. Gentleman the Member for Kerry had limited his application to a mere Committee of Inquiry, as he did not anticipate any great results from inquiries before such a tribunal. If the Government were not legally liable to meet the demands of these depositors, it was clear that they were morally bound to do so, when it could be proved that there had been *laches* on the part of the Government or of some of their subordinates. These savings banks were instituted for the safe keeping of the earnings of the industrious poor; and if ever there was a case in which it was the bounden duty of the Government to see that the intentions of the Legislature were carried out fairly, fully, and efficiently, it was the case of these banks. All persons who had deposited their money in these savings banks in Ireland, had been persuaded that they had the security of the Government; and, independently of that, the Government had had the use of some 28,0000,000*l*., and, as had been shown by the hon. Member for the city of Dublin, had gained by it some 300,000*l*. The Government had relieved the trustees of all liability to the depositors, and, therefore, was more than doubly bound to see these people protected. As to the Commissioners for the Reduction of the National Debt, they were absolutely the Government itself. The Chancellor of the Exchequer was one, and the Speaker of the House of Commons and others were the Commissioners. Well, then, these Commissioners, being the Government itself, having committed *laches*, were bound to see that reparation was made. In the case of the Cuffe-street bank, there was a deficiency of 12,000*l*. in one year; and on the day before the stoppage a cheque upon the Bank of Ireland was drawn—for what purpose, he believed, had not yet been ascertained. In 1831, the deficiency was 3,671*l*.; and at that time the Government was made acquainted with the circumstance, and the trustees were willing to close the accounts and break up the bank. A leading member of the managing body made that proposition to the Government; and what was the reply? Simply sending Mr. Tidd Pratt, who, he (Mr. Fagan) maintained, was an officer of the Government, and was in constant communication with the Government; and Mr. Tidd Pratt's advice—advice, he (Mr. Fagan) asserted, given on the part of the Government—was, to continue on and not close the accounts, when there was already this deficiency of 3,671*l*. The bank did so continue on; and he contended that this was a most important *laches* on the part of the Government; and it was, therefore, the duty of the Government to reimburse the losing parties. In the case of the Tralee bank the deficiency was 36,000*l*., and all they had to meet it was 1,600*l*. Of the deposits, 2,606*l*. belonged to persons who had invested before the liability of the trustees was taken off, and 21,301*l*. was the amount deposited subsequently to that period; and he maintained that the Government was bound to assist these people in the recovery of their money. The Government had assisted in the case of the Cuffee-street bank, and let them now render the same justice to Tralee. With respect to the excess deposits of

2,606*l.*, which Mr. Tidd Pratt said were altogether lost, he (Mr. Fagan) denied the construction which that gentleman had put upon the Act of Parliament. The Act only said, that there should be forfeiture in the case of a false declaration. Now, in the Tralee bank no declaration at all was required; and, therefore, although by the Act they should not have deposited more than 30*l.* in a year, yet, no declaration having been required, it would be most unjust and unfair to deprive these persons of their money. Mr. Tidd Pratt said, that the 21,301*l.* could not be recovered from the trustees, because it had been deposited subsequent to 1844; but it should be remembered that there was a proviso to the Act of that year, taking off the liability of the trustees, by which it was made incumbent upon them that an abstract of its provisions should be hung up in the bank. Nothing of the kind, however, was done; and the depositors were kept in ignorance of the facts. The *laches* of the Government, in the case of the Tralee bank, was, that they knew of the defalcation and concealed it. If the Government had done their duty as regarded Cuffe-street, the depositors of Tralee would have saved their money. Again, the accounts of the Tralee bank were never regularly furnished to the Commissioners for the Reduction of the National Debt, as required by law: and, in case they were not so regularly furnished, the Act required the Commissioners to wind up the accounts of the bank. [The hon. Member here read the dates on which the accounts had been furnished to the Commissioners for a series of years, to show that they had not been sent in at the periods required by law.] If the Commissioners had, on their parts, done that which they were bound by the Act to do—namely, closed the accounts—the unfortunate depositors would have been rescued from the state of destitution in which they had been since plunged. Moreover, the law required a bond from the actuary; but no bond had been given, and none had been deposited with the Commissioners for the Reduction of the National Debt. Again, the accounts furnished to the Commissioners were required to be published in the *Gazette;* but this had not been done. In a word, whatever the errors, the Commissioners had taken no notice of them; and this, he contended, established a case of *laches* against the Government. The hon. Member then briefly alluded to the case of the Killarney bank, observing, that those depositors who had the security of the Earl of Kenmare and the other trustees had been paid, while those who had no security had only received 3*s.* in the pound; and concluded by urging the responsibility of the Government.

Amendment proposed—

"After the word 'Dublin,' to insert the words 'and also the cases of the Savings Banks at Tralee, Killarney, and Auchterarder.'"

The CHANCELLOR OF THE EXCHEQUER agreed with the hon. Member for the city of Cork, that the object to be desired was the payment of the depositors, but did not see that the appointment of a Committee had much to do with that which was really the wish of the hon. Gentleman. He (the Chancellor of the Exchequer) thought he could show good reason against the appointment of a Committee, and that it would entail a very heavy expense without the least ultimate advantage. He certainly was surprised at some of the statements, both as regarded the facts and the law of the case, which had been made by some hon. Friends of his, who had sat on the Committee of last year. He did not, however, mean to say anything to-night upon that important and serious question, whether the Government should or should not take upon itself the liability to the demands of the depositors in these savings banks. These banks had been universally originated by a number of benevolent persons in their respective neighbourhoods, who had taken upon themselves to institute them for the benefit of their poorer neighbours, managing the banks themselves, and appointing their own officers. The first transaction in which any public officers were concerned, was when the sums deposited in the banks were sent up to the Commissioners for the Reduction of the National Debt, and were placed by them in the public funds of the country. But nobody connected with the Government had anything to do with the management of these banks, or with the appointment of any of the officers of them. In the cases of the Tralee and the Killarney banks, where the depositors had been defrauded, the proceedings of the secretary who had embezzled the money ought to have been checked by the trustees; or, at all events, they alone had the power of checking his proceedings, which it appeared they had not done. The Government had no control whatever. The state of the savings banks was very different now, when there were 28,000,000*l.* of deposits, to what it had been at the time when it was conjectured that the total amount of them would probably not exceed a million, or a million and a half. It might be necessary to apply a very different system of legislation to these institutions now; but that was a grave and serious question. The circumstances of last year had forced the subject upon the consideration of the Government, as would be seen by the Bill which he hoped to be able to introduce in the course of the present Session; but at the same time hon. Members should not suffer themselves to be led into a vote for this particular Motion by any opinions they might entertain regarding the necessity of an alteration in the law of savings banks. The fact that this liability had never been acknowledged on the part of the Government was abundantly clear from what had taken place in cases of the failure of savings banks in England. Invariably in England the trustees had discharged the liabilities they had incurred. They had invariably subscribed a sufficient sum to reimburse the whole of the money lost by depositors, owing to the defalcation of persons appointed by themselves. In one case a gentleman connected with one of these banks paid 7,000*l.* out of his own pocket, because he felt that through his neglect and that of others the depositors had been defrauded. He could not give a better proof of the state of the law than the fact that in this country defalcations had been invariably made good by the trustees, and that in no case whatever had any claims been made upon the Government to pay the deficiency and make good their losses to the depositors. These three Irish cases were the first in which any claim had been made upon the Government to reimburse depositors the losses they had incurred through the misconduct of local officers, over whom the Government had no control, but who had been appointed by local managers. He was much surprised at the assertions made by the hon. Member for the city of Cork, that a Government officer, appointed by the Government, had acted in the case of these banks by the direction of the Government. Surely if his hon. Friend had read the evidence before the Committee, he would have seen that Mr. Tidd Pratt was appointed by Act of Parliament—that all his powers were derived from that Act—and that he was paid by fees regulated by that Act. In these cases, therefore, Mr. Tidd Pratt had not acted as an officer appointed by the Government, but as an umpire under an Act of Parliament, and under which Act also he was paid certain fees for examining and certifying rules. When asked by the Committee—In what capacity he visited Ireland? Mr. Pratt said, "Not as an officer of the Government, but as an umpire under the provisions of the 9th of George the Fourth." Mr. Tidd Pratt, therefore, was not in any way sent to Ireland by the Government. He made these observations in order that hon. Members might see the effect of the law so far as it regarded the general liability of the Government. There was no law whatever which made them liable; it never was intended they should be liable; they never had been liable; and they had never before been asked to render themselves liable. And, whatever might be the opinion of the House of Commons upon that great and important question, it really was not one which ought to be discussed upon a proposition for the appointment of a Committee to investigate the circumstances attending the failure of particular banks; and he hoped that so important a general principle would not be discussed or decided upon such a Motion as that now before the House. His hon. Friend the Member for the city of Cork had alluded to the decision of the court on the Tralee case the other day; but he understood that it was not finally decided, but that a point of law had been reserved. In the case of the Tralee bank, the actuary had made away with a considerable sum, and he had done so by false accounts; yet those accounts had been certified as correct by two of the trustees of the bank. However, as the point of law was pending, he would not make any further remarks upon this case. The hon. Gentleman said the trustees of the Cuffe-street bank were most anxious that proceedings should not be gone on with in a court of law, but would prefer an investigation in that House. No wonder; for a court of law might decide that they were liable, while the House of Commons clearly could not.

Mr. NAPIER was understood to say that the court had decided that Mr. Tidd Pratt had no jurisdiction to enter upon the question of liability.

The CHANCELLOR of the EXCHEQUER: If the court did not compel them to produce their books, they might get rid of their liabilities; but, on the other hand, if they were obliged to produce them it might be decided as a case of debt. Then another question of law arose. The courts of law in this country had decided that Mr. Tidd Pratt was the sole judge of this question of liability; but if the Irish courts had decided in another way, the courts of the two countries were at variance one with the other. If the Judge at Tralee had held that Mr. Tidd Pratt was not the judge of the liability, in this country it was held that he was. The point, he understood, was to be decided early next term in the Tralee and Cuffe-street cases. He did not deny that great suffering had been caused both in Dublin and Kerry by the roguery of actuaries; but he submitted to hon. Members, whether they could think a Committee of Inquiry of that House could be usefully appointed in these individual cases apart from the general question. It could hardly be supposed that he was prepared to enter into the details of the evidence taken before Mr. Tidd Pratt in relation to the cases of Tralee and Killarney; but it must be evident that an inquiry into such matters by a Committee of the House, involving the necessity of bringing over persons from Ireland, at a heavy expense, to give their testimony, and thus, in fact, trying here a case that ought to be tried upon the spot, would be as inexpedient a mode of proceeding as could possibly be adopted. More could not be ascertained than was known already, unless they were to go into each individual case in detail. The liability of Government had been urged, in consequence of some neglect of duty on their parts, and it had been said, in reference to the Cuffe-street bank, that the Commissioners for the Reduction of the National Debt could have wound up the affairs of the bank, when the trustees were willing to close them in 1831. But what were the facts? Mr. Tidd Pratt went over, and acted as umpire. The liabilities were 8,000*l.*; and what was his award? Of the 8,000*l.* he decided that for 4,000*l.* they were not legally liable, but for 4,000*l.* they were legally liable. The balance at that time in the bank amounted to 3,700*l.*, and consequently the deficiency to meet the legal claims amounted to 300*l.* It was obvious then to Mr. Tidd Pratt, that, with ordinary good management, they would in two or three years have sufficient funds to meet the whole of the legal liabilities upon them, and might even have, out of their accruing surplus, the means to pay the other 4,000*l.*; and he expressed to them, not as a Government officer, but as an individual conversant with the affairs of savings banks, his opinion to this effect. They, however, acted in direct opposition to that opinion: they paid the claims which he had decided to be illegal, and they did not manage their affairs with decent economy. Their attention had been repeatedly called to the fact that deficiency was accruing; and the right hon. Gentleman opposite (Mr. Goulburn) had written to them expressing his opinion that the bank ought to be closed, but they had refused to do so. In 1845, the Government took the best legal opinion on the subject—namely, that of Sir Frederick Thesiger and Sir Fitzroy Kelly (the then law officers of the Crown), and Mr. Tidd Pratt. These learned Gentlemen were asked—"Whether the Commissioners for the Reduction of the National Debt had power to close the bank, so that the present funds might be fairly divided among the depositors?" In answer to that case, the following opinion had been received:—

> "We are of opinion that the Commissioners for the Reduction of the National Debt have no power to adopt any proceedings whatever to close the bank in question.
>
> (Signed) FREDERICK THESIGER,
> FITZROY KELLY,
> JOHN TIDD PRATT."

He thought that that was a pretty complete answer to any charge against the Government for not closing the banks. The only measure which the Government could take was to close the accounts of the bank; but the effect of that step would be very different from closing the bank. The latter might save the money of the depositors; the former would probably aggravate their losses. The hon. Gentleman had made a great point of the circumstance of the trustees not having published annual statements of the account, nor sent them within six weeks after the 1st of November to the Commissioners for the Reduction of the National Debt. Could any body suppose that the delay in sending the accounts, which was a circumstance not of unfrequent occurrence, really had any thing to do with the fraud of the secretary, or the neglect of the trustees to watch over his conduct? With regard to the Killarney savings bank, it was asserted that there was a fraud evident on the return, of which the Commissioners for the Reduction of the National Debt were bound to take notice, and that if they had done so, the conduct of the actuary must have been discovered, and the loss to the depositors prevented. Now, it was by no means clear, that in the return there was any fraud at all. No doubt there was an inaccuracy, so far as that there must have been either a greater or less number of depositors than appeared in the return. It was contended that this inaccuracy might have been detected, and because they had not detected this error, that therefore the Commissioners for the Reduction of the National Debt were answerable for any loss which the depositors might suffer by the fraud of the secretary, or the negligence of the trustees. The Commissioners, according to the Act of Parliament, were only obliged to take notice of the total amount deposited; it was no part of their duty to inquire into the total number of depositors, and the amount of their respective deposits. It was absurd to say that the correction of an error in the number of depositors had any connexion with the embezzlement of the money of the depositors. There was no pretence, therefore, for saying that there was any neglect of duty in this respect on the part of the Commissioners; and he denied that when the loss occurred altogether from the dishonesty of the secretary, and the negligence of the trustees in inspecting his accounts, that there was any obligation on the Government to make good the loss which had been sustained. He would not go further into this case; but he must repeat, that at any rate it would be advisable to postpone the appointment of the Committee until a decision were given on the point of law by the courts in Dublin. It would be a very useless inquiry, and attended with a great expense to the public.

Mr. J. O'CONNELL complained, that the Chancellor of the Exchequer had endeavoured to enlist the prejudices of English Members by speaking as he had of an Irish court of justice. He seemed to wonder what they would not do; there was one thing an Irish jury would not do—they would not allow poor people who depended upon the faith of the Government to be defrauded of their hard earnings. [*A laugh.*] The right hon. Gentleman laughed; but he contended that if these poor persons were mistaken in the belief that what they did was upon the faith of the Government, they ought to have been undeceived. It could not be denied that the Government Commissioners were aware of a deficiency in the funds, and took no step to undeceive the people, who were investing their savings upon the faith of their having Government security. If the Commissioners had not sufficient powers over the trustees, Parliament ought to have been applied to when the savings were seen to be in danger. But there was an existing fund that might perhaps be resorted to in this case —namely, the accumulations formed by the difference between the interest allowed by the Government and the interest allowed by the banks. The Committee asked for could do no harm. It was to be regretted that the House had heard from the Chancellor of the Exchequer no condemnation of the conduct of Mr. Tidd Pratt, who now was proved guilty of having calumniated the poor sufferers in Kerry —of having accused them of perjury and fraud without the slightest ground for it.

Mr. GROGAN could not agree with the closing remarks of the right hon. Gentleman the Chancellor of the Exchequer. Had Her Majesty's Government exercised the powers which they had not—had they closed the bank in Cuffe-street, Dublin— a great amount of misery would have been avoided. In 1831, the Cuffe-street bank was known to be insolvent. Mr. Tidd Pratt went over and examined the accounts. The Government, with a perfect knowledge of the deficiency from 1831 to 1847, failed to exercise the power of closing the bank. In his opinion, every depositor had a moral right to be paid by the Government. And what was the remedy offered by the Chancellor of the Exchequer? The right hon. Gentleman advised the House to refuse the Committee, because the Motion did not ask for a grant of money. It was well known that no such Motion could be made without the previous consent of the Crown. By the same Acts of Parliament which defined the liability of the trustees, the Commissioners had a right to demand the annual transmission of accounts. Had the Commissioners done so they could have prevented the losses which had fallen upon all the depositors subsequent to 1831. He did not wish to doubt the literal accuracy of the opinion read by the right hon. Baronet, but he must express his astonishment. Every legal opinion depended mainly on the case. He altogether differed from the right hon. Gentleman with regard to the power of the Government to close these banks. The right hon. Gentleman denied that they had such power; but he (Mr. Grogan) contended that the Act was clear upon the point. He found that the 46th section of the 9th George IV., c. 92, enacted—

"That in case the trustees of any savings bank neglected to render an annual statement of their accounts, or should disobey any orders or directions of the Commissioners for the Reduction of the National Debt, or their officer duly appointed, it shall be lawful for the said Commissioners to close the account of such trustees, and to direct that no further sum be received from them at the Bank of England, or the Bank of Ireland."

The Commissioners who were entrusted with these powers, and who had full control, received the accounts for a number of years in a very informal shape—indeed, with several erasures. The right hon. Gentleman protected the Government under a legal technicality. In his (Mr. Grogan's) opinion the defence aggravated the injury. The Commissioners had full power to close the bank. [The CHANCELLOR of the EXCHEQUER: No, they had not.] Then, could it be believed that any Government with the knowledge of the frauds and deficiencies would not have come down to Parliament for powers to close the savings banks, if they had not already possessed these powers? In 1845 there was a deficiency of 95,640*l.* in the St. Peter's parish bank. The request for a Committee was so moderate that he thought it very ungracious to refuse it. The right hon. Gentleman advised them to await the settlement of the legal points. They all knew the proverb of "the law's delay." The question involved in the legal points was this:—Mr. Tidd Pratt avowed that he had the power of calling the trustees into court—the trustees denied that he had any such power. In that state of things many of the depositors would die from sheer starvation, and their claims would so be cleared away.

MR. MORRIS was understood to say that in the case of a failure of a savings bank in that part of the country whence he came, the Lord Lieutenant of the county of Carmarthen had made up all the losses of depositors under 5*l.*

MR. COWAN regarded this as one of the most important national questions that could come before Parliament, involving as it did matters intimately connected with the welfare of a very large portion of the working classes, and he much regretted that it should be discussed in so thin a House. He certainly did not think that the Exchequer could be made liable for the defalcations of parties connected with savings banks, any more than the Postmaster General was liable for losses caused by robberies in his department; but he agreed with the hon. Member for the city of Dublin in thinking that if it was the desire of the House to encourage confidence in those invaluable institutions, they ought to investigate thoroughly the allegations made against the system now in operation. He thought that the legislation of that House on the subject of savings banks had hitherto been most unfortunate, and that there was now more need than ever of a sound legislative measure to regulate these institutions. Reference had been made to the fixed and unvarying rate of interest provided by Act of Parliament for depositors in savings banks. A greater absurdity could not possibly be imagined. How had this operated? Some four or five years ago, when money was not worth more than 2 or 2½ per cent, the Chancellor of the Exchequer was paying 3*l.* 5*s.* per cent, and the Commissioners invested the money at or about par. A reverse came—money rose to 4 and 4½ per cent; and the depositors looked for investments that would yield a larger amount of interest. Something like a run was made on the banks, and the loss to the nation was not less than five or six millions. He should have liked the Motion to go further than it did, and to include inquiry into those cases where savings banks had been conducted successfully. It was certainly with regret he had heard it stated that a case calling for inquiry had occurred in Scotland, for he had been accustomed to think they were above suspicion in Scotland with reference to their banking matters. If inquiry, however, was to be made into the operation of successful banks, several important instances could be adduced. He might refer, for example, to the Edinburgh savings banks, where, last year, business was done to the extent of 76,000*l.*, while the whole expense of carrying on this large business was under 1,200*l.*, being less than 1*s.* on each open account. Indeed the manner in which that bank was conducted, did great credit to Mr. Maitland, the excellent manager. It was of the greatest importance that savings banks should be placed on a solid foundation, and cleared of all those injurious anomalies that now attached to them, as he believed they might be made the means of aiding, in a great measure, to stem that flood of pauperism which was overflowing the land.

MR. KEOGH said, that he should not have risen but for some observations that had fallen from the Chancellor of the Exchequer. The right hon. Gentleman had left the House under the impression that there was no instance of any loss sustained in England by reason of trustees not coming forward to make good the amount of deposits; but they had just heard from the hon. Member for Carmarthen an instance where the depositors had been left unpaid by English trustees. The right hon. Gentleman appeared to have alluded to the matter, in order to throw out an insinuation against the mode in which Irish gentlemen acted in business transactions; but the right hon. Gentleman should not have overlooked the fact, that in the case of the Kerry bank, Lord Kenmare, and his hon. Friend the Member for Kerry (Mr. H. A. Herbert), and other gentlemen who were not trustees at all, had come forward with subscriptions to pay off all depositors whose claims were under 20*l.* But the fact was not to be overlooked, that in the electoral division in which that bank was situated, out of a rental of 34,000*l.* a year, only 4,000*l.* was represented by resident proprietors; the remainder, 30,000*l.*, being absorbed by absentee proprietors resident in England. That might account for the resident gentry not being able to act so munificently as the right hon. Gentleman thought they should have done. The right hon. Gentleman had also treated with something like a sneer the judge and jury before whom the late case against the trustees of the Tralee bank had been tried; but he believed it would be generally admitted that an abler judge did not sit upon the bench; and, considering that he had held high office under the party to which the right hon. Gentleman belonged, such an attack was scarcely to have been expected.

The CHANCELLOR of the EXCHEQUER said, he was not aware who the judge was before whom the case had been tried.

Mr. KEOGH said, the case had been heard before Judge Ball. The question was, whether the trustees had been guilty of wilful default. Not a particle of evidence of any such charge was offered, but, on the contrary, Mr. Tidd Pratt, who was examined in support of the plaintiff's case, admitted that the defendants had done everything to keep the bank correct, and had given him every facility during his investigation; and, under such circumstances, no judge and jury, either English or Irish, could come to any other conclusion than that which had been arrived at. Having said so much on the insinuations thrown out by the right hon. Gentleman, he next came to the consideration of the main question, and he should say that he had not expected that a case of such injustice—of such spoliation—would have been met by a denial of inquiry on the part of the Government. The first ground of that denial was, that the appointment of the Committee would be an interference with the proceedings pending in the courts of law against the trustees. But his hon. and learned Friend the Member for the University of Dublin, was counsel for these very trustees, and had declared in their name their perfect willingness to submit to the fullest inquiry, and to expose all their transactions and books before a Select Committee of that House. And if the trustees were not afraid of inquiry, why should the Government shrink from it on their part? As to the objection on the ground of the expense of an inquiry before a Committee, he would not say a word, as he believed that Committees were the favourite mode with the present Government of conducting all the affairs of the State. The next objection was, that the Government were not legally liable. He did not believe that any one had asserted the existence of any legal liability, as, if such a liability existed, justice could be obtained in the courts of law, without the necessity of coming to that House to seek for it. But what he understood his hon. and learned Friend the Member for the University of Dublin, to contend for was, that though not legally liable, the Government were morally responsible; and from that moral responsibility, it ill became the Government of this great country to shrink. In the Exchequer-bill case there was no legal responsibility, and yet the Government of the day, considering that there had been neglect on the part of their officers, very wisely took care that the public should not suffer. The Commissioners for the Reduction of the National Debt were bound by Act of Parliament to take certain precautionary steps in the case of these savings banks, and having neglected doing so, they became morally responsible for the consequences. The very fact which had been relied on by the right hon. Gentleman, that the Government had applied for the highest legal advice to know whether they could close the Cuffe-street bank, was in itself a proof that they knew the bank to be in such a state of insolvency, that if they had the power they ought to close it. No lawyer could have given any other opinion than that the Government had not the power; but why was not the opinion of the law officers taken as to the power of closing the account with the bank, which would have precisely the same result? It was perfectly clear they had that power, and if they exercised it, and notified the fact to the public, all this wide-spread calamity would have been averted. But there were other charges of neglect against the Government. By the 30th section of the 3rd William IV., it was provided that the name of any savings bank not furnishing the annual seturns should be published in the *Gazette*. It was admitted that the returns had not been made, and yet the notification required by law did not appear in the *Gazette*. Again, the comptroller general was required by law to obtain security from every actuary of a savings bank for the proper discharge of his duty; but in this case of the Killarney bank no such precaution had ever been taken. But, independent of these considerations, the fact of a vast number of individuals believing that their money had been confiscated by the negligence of the Government, ought in itself to be a sufficient ground for granting an inquiry. He also thought that an inquiry could not be resisted on this further ground, that the Committee of last Session had reported that they had not time to complete their inquiries, and that the matter would require to be again taken up.

MR. GOULBURN said, that as the speech of the hon. and learned Gentleman had been principally addressed to the conduct of the Government in 1844, when he was Chancellor of the Exchequer, he trusted the House would indulge him while he stated what was the course then pursued by the Government, and what were the motives by which the Government were actuated, and he trusted that when the House had heard the facts correctly stated, they would not come to the conclusion that there was anything in the conduct of the Government at that time which rendered them liable to the demands now made. It was natural that the hon. Member for the city of Dublin should speak warmly on the subject of the distress of those who had suffered by the failure of this bank; but the House was not to be carried away by accounts of distress, exaggerated no doubt, which prevailed on account of the failure of the bank, to take on itself the responsibility which was never intended to be cast on the Government, and which could not be cast, to the extent which was desired, without imposing on every class, rich and poor, an extent of burden which it would not be just to impose. The result of this debate would almost tend to show that it was extremely dangerous for Government to deal in anything that was benevolent. The savings banks were instituted by Parliament on motives of the purest benevolence. The interference of Parliament was proposed by Mr. Rose for this distinct object. The societies had previously existed —they had contributed in large neighbourhoods to the comfort of the people around them; but parties had been obliged to trust their funds in quarters which were subject to variation and loss, and it was to protect them against that variation and loss that Parliament then interfered, and said, we will make Government the bankers of these institutions, and we will make them hold the money, and pay interest on the money deposited with them. Beyond that, it never was the intention of that or any subsequent Act of Parliament, that the liability of the Government should go. He came now to the case of the particular bank which had been brought forward by the hon. Member for the city of Dublin, and he wished to state to the House precisely the facts of the case in 1844, which the hon. and learned Gentleman the Member for Athlone, following the hon. Member for the city of Dublin, had thought was so conducted by the Government as to give a claim for the payment of the sum in question. The distresses of the bank did not arise in 1844, they arose in 1831; and from the inspection of the accounts which then took place, it was obvious that the trustees had in their power to avoid losses to the depositors, if they had followed the advice given by the arbiter called in under the provisions of the Act, and conducted their operations in the mode there pointed out; for the difference between the interest they paid to the depositors, and the interest they received from the Government, would have made up the whole deficiency of the fund; and the Government was under the impression they would pursue the course which common honesty pointed out. But in 1844, when he was Chancellor of the Exchequer, the case of this bank was again brought before the Government; and it was accompanied with circumstances which raised a doubt in his mind whether there was not a quarrel between two rival banks, who were contending for the greatest amount of deposits. He was prepared to admit that that suspicion was an erroneous one;

but it was made to appear to him that this bank had not followed the advice laid down in 1831, and, by the inspection of the accounts of the bank, he saw that they had at the moment ample funds to pay 18*s*. 6*d*. in the pound to every depositor. His object immediately was that the bank should be closed, and the money should be so distributed, as that, although the loss could not be altogether avoided, the parties in the bank should escape with the loss of 1*s*. 6*d*. in the pound, instead of losing the whole of their money. The bank was unwilling to take advice; he applied to the law officers of the Crown to know whether he had the power of authoritatively closing the bank, that he might effect the object of saving the depositors. The opinion of the law officers was, that he had no power to compel the trustees to close the books. That, however, did not cause him to despair. Having seen in the calendar that the Archbishop of Dublin was one of the vice-presidents, he applied to that functionary, but was told by him that he had not been previously aware that he had any connexion with the bank, and that he had no influence whatever with the trustees. For these reasons the proposed arrangement failed; but no blame whatever could be attached to the Government. The hon. and learned Gentleman said that the Government had a right to close the accounts of the bank; but what did that mean? It was not shutting up a savings bank, and preventing their receiving any further deposits, but it was to say to them —"I, the Bank of Ireland, will no longer be your banker. You must take out of my hands the funds I have of yours, and I will receive no more from you." Now, to an insolvent bank that, perhaps, would have been an advantage; but how would it have affected the depositors? It might certainly have been ultimately advantageous to the public by letting people know that they had another bank, and not the Bank of Ireland, as their security. The hon. and learned Gentleman complained of Government not having made any notification in the *Gazette* as to the non-delivery of the accounts of the bank; but until the Government had closed the bank, they had no right to make any such notification. [The right hon. Gentleman here referred to the clause of the Act in support of his argument.]

Mr. KEOGH explained that what he had said was, that if the bank had not furnished its accounts as directed by the Act, the Commissioners were bound to notice the omission in the *Gazette*.

Mr. GOULBURN did not concur with the hon. and learned Member in his reading of the Act. Unless it had been intended to destroy the bank altogether, it would not have been justifiable to give such a notice. So much for the conduct of the Government in 1844. He had felt that he could not act, and the trustees refused to adopt his recommendation, although repeatedly warned as to the consequences of refusal. The hon. Member for Edinburgh wished for a Committee to inquire into the subject of savings banks generally; but that would hardly serve the case of hardship which had been brought under the notice of the House; and, on the other hand, to appoint a Committee to inquire into every case on which an award had been made by Mr. Tidd Pratt, would be preposterous and unnecessary, seeing that the Committee of last year had had full time to investigate. As the question was before a court of law, he concurred with the right hon. Gentleman the Chancellor of the Exchequer in thinking it better to postpone Parliamentary inquiry until that tribunal had given its decision. The hon. and learned Member for Athlone alleged that such proceedings should be no bar. He (Mr. Goulburn) thought otherwise; Parliamentary inquiry could only serve the trustees, who might be glad to have the claims of depositors sifted before a Parliamentary Committee before they came to be argued in a court of law. Legal liability was nowhere contended for, but the House should pause before it adopted a course which might give a tinge of moral liability, as they might depend upon it such a course would exercise great influence over many parties. It would be a bad precedent to make what Government had in the first instance done, from motives of benevolence, a permanent principle of compulsory action. He thought the Committee had better be postponed, and that when appointed its inquiry should be confined to such cases as had not been previously made subjects of investigation.

Mr. KEOGH should be sorry if the House thought that he had misrepresented the Act of Parliament. He had referred to the 30th section, 3 Will. IV., to which the right hon. Gentleman had not alluded. To set himself right, he (Mr. Keogh) should read the clause.

Mr. GOULBURN: I referred to the other Act.

Mr. KEOGH: I referred to the last Act—the 3rd Will. IV.; the one referred to by the right hon. Gentleman was the 9th Geo. IV. The 30th clause 3rd Will. IV., directed, that if the annual statement was not prepared and transmitted to the Commissioners for the Reduction of the National Debt within the time limited by the Act, it should be lawful for the said Commissioners, or the comptroller or assistant comptroller, and they were severally required forthwith to publish in the *London Gazette*, and in the newspapers published in the county in which the bank is established, the name of every bank so making default in furnishing such annual statement.

Mr. GRATTAN said, that living among the poor people who had been depositors in the bank, he could testify as to the amount of misery they were suffering. If the Government should be successful in resisting this Motion, they might expect its speedy reintroduction in another form.

Mr. REYNOLDS said, that the hon. and learned Member for Athlone had so effectually disposed of the speeches of the two right hon. Gentlemen the Chancellor of the Exchequer and the ex-Chancellor of the Exchequer, the one in answer and the other by anticipation, that it was unnecessary for him to trouble the House with a single observation.

Mr. F. O'CONNOR called attention to the presence of strangers, who were instantly ordered to withdraw, the debate being carried on for some time with closed doors. A division was ultimately taken on the Motion.

Question put, "That those words be there inserted."

The House divided:—Ayes 49; Noes 42: Majority 7.

Main Question, as amended, put—

"That a Select Committee be appointed, to inquire into and report upon the circumstances connected with the failure of St. Peter's Parish Savings Bank, in Cuffe Street, Dublin, and also the cases of the Savings Banks at Tralee, Killarney, and Auchterarder, and into any security or liability that may exist for the satisfaction of the losses thereby occasioned."

The House divided:—Ayes 51; Noes 48: Majority 3.

List of the Ayes.

Archdall, Capt. M.
Blackall, S. W.
Blair, S.
Cowan, C.
Crawford, W. S.
Devereux, J. T.
Duncuft, J.
Dunne, F. P.
Edwards, H.
Ellis, J.
Fagan, J.
Fortescue, C.
Fox, R. M.
Grace, O. D. J.
Grattan, H.
Greene, J.
Grogan, E.
Gwyn, H.
Hamilton, G. A.
Hamilton, Lord C.
Harris, R.
Henley, J. W.
Herbert, H. A.
Hodgson, W. N.
Keogh, W.
Lawless, hon. C.
M'Cullagh, W. T.
Magan, W. H.
Meagher, T.
Monsell, W.
Morgan, H. K. G.
Morris, D.
Napier, J.
Norreys, Sir D. J.
O'Brien, Sir L.
O'Connell, J.
O'Connor, F.
O'Flaherty, A.
Peto, S. M.
Sadleir, J.
Scholefield, W.
Scully, F.
Stanley, hon. E. H.
Sullivan, M.
Thompson, Col.
Thompson, G.
Vesey, hon. T.
Walmsley, Sir J.
Willcox, B. M.
Williams, J.
Willoughby, Sir H.

TELLERS.

Fagan, W.
Reynolds, J.

List of the Noes.

Aglionby, H. A.
Anson, hon. Col.
Armstrong, R. B.
Bagshaw, J.
Baines, M. T.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Bass, M. T
Bellew, R. M.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Boldero, H. G.
Boyd, J.
Brocklehurst, J.
Brotherton, J.
Craig, W. G.
Cubitt, W.
Dundas, Adm.
Ebrington, Visct.
Elliot, hon. J. E.
Evans, W.
Foley, J. H. H.
Fordyce, A. D.
Goulburn, rt. hon. H.
Harcourt, G. G.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Heyworth, L.
Hindley, C.
Howard, Lord E.
Howard, Sir R.
Humphery, Ald.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
M'Gregor, J.
Mullings, J. R.
Palmerston, Visct.
Raphael, A.
Rumbold, C. E.
Russell, Lord J.
Sheil, rt. hon. R. L.
Somerville, rt. hon. Sir W.
Thornely, T.
Verney, Sir H.
Ward, H. G.
Wilson, J.
Wood, rt. hon. Sir C.

TELLERS.

Parker, J.
Rich, H.

House adjourned at half-after Ten o'clock.

HOUSE OF LORDS,

Friday, March 30, 1849.

Minutes.] Public Bills.—1° Society for the Prosecution of Felons (Distribution of Funds); Prisoners' Removal (Ireland); Independence of Parliament.

2° Mutiny; Marine Mutiny; Indemnity.

Petitions Presented. By Lord Stanley, from Magherafelt, against the Proposed Rate in Aid (Ireland), and for the Adoption of a System of Emigration.—From Brinfield and Ashford Bowdler, for the Adoption of Measures for the Suppression of Seduction and Prostitution.

RELIEF TO POLISH EXILES.

The **Earl of HARROWBY** observed, that as an inquiry had been made by order of the House into a subject which he really thought was not worthy of its dignity—he meant an inquiry into the health of those Polish refugees who had received the public benevolence — he hoped that he should not be considered as intruding unsuitably upon their Lordships' time if he now asked his noble Friend opposite whether the insinuations which had been thrown out to the disadvantage of those unfortunate individuals were or were not well founded? Were the Polish refugees men so utterly dissolute and profligate as to be unworthy of the sympathy and assistance of the public? Whatever truth there might be in the insinuation that they had acted elsewhere as disturbers of the peace, they certainly had not acted here as such; and he believed, that in private life their morality had ever been exemplary.

The **Marquess of LANSDOWNE** was happy in being able to give an answer to the noble Earl, and that, too, in a manner which would be equally satisfactory to his Lordship and to the public. After what had passed in their Lordships' House on a former occasion, he had felt it to be his duty to procure as soon as possible a return of the number of Polish refugees receiving relief from the public funds; and, having procured that return, he had taken such measures as he could to inform himself how far the disease, which had been erroneously supposed to prevail among them, really existed. He could state most distinctly, without descending into particulars, which must be disgusting to their Lordships, that the return of the two medical officers who had charge of these persons when they were the victims of disease, afforded the most conclusive proof that scarcely the slightest imputation of the disease said to prevail among them attached to their characters. One of those medical officers reported, that for one whole year no disease of that kind appeared among them; and the other reported, that in another year it had occurred among them, but in a less degree than it usually occurred among the same number of Englishmen in the same class of life with those unhappy exiles. He considered these returns to afford convincing proof of the general morality and good conduct of the Poles in this country.

BILL FOR SECURING THE TRUE INDEPENDENCE OF PARLIAMENT.

Lord BROUGHAM rose for the purpose of laying upon the table a Bill upon a subject which he thought would have been better taken up in the House of Commons—he meant a Bill for better securing the true independence of Parliament, by extending Mr. John Smith's Act, commonly called the 52nd of Geo. III., to all insolvent Members, which now only applied to such as were traders. He had hoped that a measure of this kind would have been made, as indeed it ought to have been made, a Government measure. However, as there appeared to be an objection to that course, he would, in case no Member of the Government took the measure up, proceed with the Bill himself, although he would rather surrender it into the hands of Government. What he had expected to take place in the House of Commons on this subject had actually taken place. A Bill had been brought in upon it two months ago. From respect to the individual who introduced it, and to the House in which it was introduced, he would make no comments upon the manner in which that Bill had been dealt with in another place. This, however, he might be permitted to remark—that it had been so treated, that if it had passed in the same shape as it was passed in the Committee, it would not have recommended itself much to their Lordships; for it was neither more nor less than a Bill for the better recovery of debts from such persons as happened to be Members of Parliament. He was, as were also many Peers who then heard him, a Member of the Committee now sitting on the Bankruptcy Laws; but they would all of them have been much surprised, if, in addition to the 375 articles already referred to them, they had found another article of the digest which placed Members of Parliament in a worse situation than any other members of society. On no account ought the Legislature to say that debts were to be recovered against Members of Parliament either in a worse way, or in a better way, or even in a different way, from that in which they were recovered against other men. His Bill was founded on the principle that the same process should be used in all cases; and only the power of continuing in Parliament, clothed with privileges and refusing to obey the laws, should be taken away. He did not mean in any way to deal with Peers of Parliament in this Bill, for Mr. John Smith's Act made no provision for the case of Peers who might unfortunately become bankrupts, and who sat in that House upon a very different tenure from that upon which Members of Parliament held their seats in the other House. If a constituency chose to be represented by a solvent rather than an insolvent man, Mr. John Smith's Act permitted it to be so represented; for the loss of a Member's qualification was, as everybody knew, not in practice a shutting of the doors of the House of Commons to an insolvent. It was a fault in Mr. Smith's Act that it permitted a bankrupt Member to remain a representative of the people so long as twelve months after his bankruptcy, although it would not permit him to take his seat in the House. But it was one of the greatest scandals and stigmas on the privilege of Parliament which existed in the law of privilege at this moment; and he hoped that we were now fast approaching the period, ay, and even the very day, when that scandal and that stigma would be put an end to. He trusted that it would not be long before we remedied the evil system by which those who had broken the law, and were under the ban of the law, were permitted to make the law. He now moved that this Bill be read a first time; but he should postpone the second reading of it until he saw what became of the similar Bill which was now under consideration in the House of Commons.

Bill read 1^{a}.

THE WAR IN THE NORTH OF ITALY.

The MARQUESS of LANSDOWNE said, with regard to the question put to him by the noble Earl yesterday, whether he could promise to lay the papers moved for by the noble Earl on the table before Easter, he had to state that it was not in his power to say now when those papers could be laid before their Lordships, because events of a very important character were now going on, and he did not yet know how they might affect the part hitherto taken by this country. Negotiations of a very important character had already commenced. The communications received yesterday had acquired a deeper importance from the nature of the intelligence received that (Friday) afternoon (also by telegraphic despatch), which he must consider of a most satisfactory character. He had heard that at present the new King of Sardinia had concluded an armistice with the commander of the Austrian forces; that the armistice had been concluded with a view to further negotiation; and that an agreement had been entered into by which the Duchy of Savoy ceased to be occupied by the Austrian troops, whilst the important fortresses on the frontier were to be jointly garrisoned by Austrian and Piedmontese troops. The plenipotentiaries had been appointed to conduct the future negotiations, which he hoped would lead to a permanent peace, and preclude the danger of the tranquillity of Europe for the future being further threatened. This being the case, it was not expedient that these papers should be immediately laid upon the table. They were in the course of preparation, and as soon as it was clear what course the negotiations might take, not only with regard to this country, but also to the other countries of Europe, the papers would be laid before their Lordships.

The EARL of ABERDEEN inquired whether he was to understand that in these negotiations the representatives of this country were taking part; otherwise, he conceived if it was a mere matter between Austria and Sardinia, there could be no reason why the production of the papers should be delayed. He was happy to hear the intelligence stated by the noble Marquess, of the armistice having been concluded; and he (the Earl of Aberdeen) saw in that intelligence but another proof of the magnanimous conduct of the Austrian commander, Marshal Radetzky, who, by his recent brilliant successes, had fulfilled the high anticipations which his talents and admirable character had led him to entertain. He sincerely trusted that this armistice, so promptly agreed upon, and the negotiations now reported to be going on, would terminate in the establishment of a permanent peace.

The MARQUESS of LANSDOWNE explained that he had not stated that this country was a party to the negotiations now going on, because he had no information on the subject. His information depended entirely on a telegraphic despatch, and certainly contained nothing to show that the representatives of this country had been concerned in these negotiations. If the negotiations were merely between the Governments of Austria and Sardinia, and this country had not been requested to take any part in them, these circumstances would certainly not interfere to prevent the production of papers; but of this fact they ought first to be informed, before the papers were laid upon the table.

The EARL of MALMESBURY asked if they were to understand that Turin had not been entered by the Austrian general, in consequence of these negotiations?

The MARQUESS of LANSDOWNE believed it had not been so entered; but he would not say that it was not in the power of Marshal Radetzky to enter Turin. He had only received a telegraphic despatch, and therefore was not able to speak positively as to that.

LORD BROUGHAM remarked that it was Trino, and not Torino (Turin). There had been a confusion between the two names.

House adjourned to Monday.

HOUSE OF COMMONS,

Friday, March 30, 1849.

MINUTES.] PETITIONS PRESENTED. By Sir Thomas Birch, from Merchants and Others, of Liverpool, in favour of the Parliamentary Oaths Bill.—By Lord Dudley Stuart, from the Ratepayers of the Parish of St. Pancras, Middlesex, for Extension of the Suffrage.—By Sir W. Clay, from a Public Meeting held at the King's Head, Poultry, in favour of the Clergy Relief Bill.—By Lord Ashley, from Merchants of Glasgow, for a Better Observance of the Lord's Day.—By Mr. Bramston, from the Clergy of the County of Essex, and from several other Places, against the Marriages Bill.—By Mr. Duncan, from Dundee, against the Marriage (Scotland) Bill.—By Mr. Thomas Baring, from British Guiana, for the Relief of that Colony.—By General Lygon, from Attorneys and Solicitors practising at Upton-upon-Severn, for the Repeal of the Duty on Attorneys' Certificates.—By Mr. Reynolds, from Dublin, for an Alteration of the Duty on Tobacco &c.—By Mr. Cayley, from the Township of Ulleskelf, Yorkshire, for the Relief of Agricultural Distress.—By Mr. Hume, from Newcastle-upon-Tyne, respecting Colliery Accidents.—By Mr. Duncan, from Dundee, against the Lunatics (Scotland) Bill.—By Mr. Beckett Denison, from the Guardians of the Rotherham Union, in the Counties of York and Derby, for the Suppression of Mendicancy.—By Mr. Kershaw, from the Borough of Stockport, in favour of the Navigation Bill.

THE NEW HOUSES OF PARLIAMENT.

MR. HOPE wished to put a question to the hon. Gentleman the Member for Lancaster with reference to an opinion which prevailed, that the stone of which the new Houses of Parliament are built is already showing signs of decomposition and decay. It would be satisfactory to the House to know that there was no foundation for that report, and he, therefore, felt justified in asking the question.

MR. GREENE did not think there was anything like a general decomposition or decay of the stone in the Houses of Parliament, though there might be some degree of decomposition in a few stones. Those were, he thought, entirely matters of exception, and he believed the stone, generally, to be of as pure a description as any at present used. The selection of the stone was originally left to a commission, who expressed their unqualified approbation of it.

MR. OSBORNE would ask the hon. Member another question, viz., whether there was any foundation for the report that hon. Members were to hold their deliberations in the new House of Commons soon after Easter?

MR. GREENE had heard of no report of that kind, and there was not the least foundation for it.

DOVOR HARBOUR.

CAPTAIN HARRIS begged to ask the Chancellor of the Exchequer the question of which he had given notice—namely, "whether the works now in course of construction off Cheesman Head were undertaken with a view of forming a harbour of refuge at Dovor; and if so, whether there was any objection to the plan and estimate on the table?" Two most distinguished and competent officers (Sir H. Douglas and Sir W. Symonds) had expressed their opinion that the holding ground was decidedly bad, and that it would not be expedient to select it as a harbour of refuge. It was with a view to ascertain the facts of the case that he had put the question.

The CHANCELLOR of the EXCHEQUER said, probably the best answer which he could give to that question would be to repeat the answer which he had given to the Committee which had sat last year on the Navy Estimates. If the hon. and gallant Gentleman opposite would refer to the evidence he had then given, a complete answer would be found to his question. It was true that the commissioners appointed to examine into the state of harbours had reported as the hon. and gallant Gentleman had said; but although a variety of opinions had existed with respect to the site of a harbour of refuge, all alleged that it would be of great service to extend the pier alluded to. That the Government had done, and had undertaken that portion of the work in such a manner that it might be stopped at its conclusion, or if a larger plan were to be adopted, that which was completed might form part of the work. The right hon. Gentleman then said, that whether the smaller plan, which involved the expenditure of 2,000,000*l*., or of the larger one, estimated at 2,500,000*l*. were adopted, the execution of this work would, in no way affect the general object of the harbour of refuge. It was only intended to run out Cheesman's Head quay about

800 feet, and that work would be complete in itself, or it might form a part of a larger work; but whether it was one or the other, it would be productive of one great advantage, by preventing the injury that was likely to accrue from the choking up of Dover harbour by shingle.

Mr. HUME hoped the right hon. Gentleman the Chancellor of the Exchequer would lay before the House a report of the progress made in the works, and what was to be done; the amount expended, and the amount that would be required.

The CHANCELLOR of the EXCHEQUER said, the hon. Gentleman would find, on referring to the evidence given by him last year, that he had stated what was expended up to that time, and what would be required.

Subject at an end.

THE WORKS OF ART AT ROME.

Mr. J. O'CONNELL begged to ask if Her Majesty's Government would permit the importation into this country (for the purpose of sale or delivery to customers) of works of art sold or about to be sold by the Provisional Government at Rome? The Government of Rome was not recognised by any European Power—and would Her Majesty's Government allow or sanction the sale in this country of those works of art, which, by the decree of the Government of Rome, were directed to be sold, and which had been already offered for sale to, and honourably refused by, the British Museum?

Lord J. RUSSELL was not aware that there was any law that would enable the Government to prevent the importation into this country of works of art of the description and for the purposes to which the hon. and learned Gentleman referred. It would be necessary to propose an alteration in the law for the purpose; and that alteration the Government were not inclined to propose. The hon. and learned Gentleman had asked if the Government would give any sanction to the sale of those works of art; he could tell him that no sanction had been given.

SUPPLY—NAVAL EXPENDITURE.

On the Motion for receiving the report of the Committee of Supply, on a vote of 323,787*l.*, for Navy excess,

Mr. HUME rose to move, pursuant to notice—

> "That it appears by the report of the Board of Audit, that the Expenditure for Naval Services for the year 1847-48, per Act of 10 and 11 Victoria, c. 107, exceeded the grants (including appropriations in aid) voted by Parliament, to the amount of 323,787*l.*:
>
> "That the sum voted by Parliament for the formation of the Dock Yard Battalions, in the year 1847-48, was 20,000*l.*, and the actual Expenditure amounted to 72,399*l.* 19*s.* 3*d.*, being in excess of the vote 52,399*l.* 19*s.* 3*d.*, and forms part of the excess:
>
> "That this House concurs in the opinion expressed by the Lords of Her Majesty's Treasury, "That with regard to this large excess (for the Dock Yard Battalions) the Expenditure was entirely within the control of the Board of Admiralty;' and, 'that the proper course would have been to have postponed the enrolment of men beyond the numbers provided for by Parliament:'
>
> "That when a certain amount of Expenditure for a particular service has been determined upon by Parliament, it is the bounden duty of the department which has that Service under its charge and control, to take care that the Expenditure does not exceed the amount placed at its disposal for that purpose."

He contended that it was most important that the terms of the Appropriation Act should be adhered to, which distinctly declared that the gross amount voted in any department should not be exceeded. The excess on one item—wages at home—had been mainly incurred by the dockyard battalion, and amounted to upwards of 52,000*l.* A vote of only 20,000*l.* was asked for, and 72,000*l.* had been expended. If such proceedings were allowed, the check and control of that House over the expenditure was gone. When this fact was brought under the notice of the Lords of the Treasury, they expressed their disapprobation in such suitable language that he (Mr. Hume) made their remarks the terms of his Motion. That was all that could be done by any department. He did not desire by his Motion to cast the least reflection on the late First Lord of the Admiralty, for whom he had the greatest respect. All that he wished was that the House should concur in the opinion expressed by the Lords of the Treasury, and so strengthen the hands of the Government to prevent any such excess from occurring in future.

Mr. WARD said, that his hon. Friend the Member for Montrose had on this occasion discharged a public duty with good feeling and good taste, for whilst he censured the system, he said all that was desirable to say respecting the noble Lord who was at the head of the Admiralty when this excess took place. In most of the observations of his hon. Friend he was disposed to incur. He admitted the justice of the rule he laid down, and that it could not be too strictly adhered to. He also admitted that it was a matter of regret the Board of Admiralty had not applied to Parliament before the expenditure so much exceeded the vote. But there was no intention of deceiving the House, because if they knew the amount of men who would have enrolled themselves, they would have stated it to the House. A greater number had enrolled themselves than was expected. The dockyards offered the most vulnerable point of attack to an enemy. They were almost wholly defenceless, and it was not thought right that between forty and fifty ships in the harbours, in various stages of preparation, should be left wholly unprotected by land or by sea. A force was, therefore, organised for their protection. But it was said they ought to have postponed enrolling any men beyond the number voted. If they adopted that course, they would have a less efficient force, and a greater expenditure. The men had got two suits of uniform instead of only a fatigue dress, as was originally intimated, which would last them for seven years—that was to say five years from the present time. The expenditure was no doubt large for the first year, but it would not be so large again. They had now provided a corps of 9,000 efficient men at an annual cost of 18,000*l.* for the future. They had been inspected and approved of by Sir Harry Smith, and he believed that any person who saw them performing their evolutions would come to the same conclusion. The enrolled artificers in the dockyards of Copenhagen were found to be formidable competitors in the last war with Denmark. The dockyard battalions here would, he had no doubt, be found equally efficient. That, he admitted, was no justification for having incurred this excess without the sanction of Parliament. But his hon. Friend might rest assured that, under the present administration of the Admiralty, such an excess was not likely to occur again.

Sir H. WILLOUGHBY said, the question was important in point of principle, for it involved this—whether there existed in this country any effective control over the expenditure? And he had come to the conclusion that there did not, because it could be shown that this excess of expenditure took place in direct defiance of the vote of that House, and without the knowledge of the superior department of the Lords of the Treasury. He put it to the noble Lord the First Lord of the Treasury, whether any circumstance was more likely to cast discredit on his administration than this case, which came out a year and a half after the occurrence, because it was a fact that the Treasury knew no more of that expenditure than he (Sir H. Willoughby) did? The Appropriation Act settled that if any department made application to the Treasury, and if there was a surplus of the money voted to be spent on any branch of the service, that then the Treasury had the power to appropriate that surplus to any given service. But in this particular case there was neither an application to the Treasury, nor was there a surplus, because all the surplus was gone. He was ready to admit, where a Government could not help itself in any case, such as of a sudden war arising, or when provisions were becoming dearer, that that might alter the case. That might form grounds for a justification of the increase of the expenditure; but in this case the department in London for a home service, without the slightest hesitation, exceeded the vote of that House by upwards of 323,000*l.*, and actually did that without application to the Treasury, and when it was well known that there was no surplus. His argument was this, that what the Admiralty had done in this case might be done in any other department, and that the question was, therefore, most important in point of principle. He should cordially support the Amendment of his hon. Friend the Member for Montrose.

Sir F. BARING said, he believed that no important difference in point of principle prevailed between him and his hon. Friend the Member for Montrose on that matter. He was quite ready to admit that great care should be taken by the members of every public department not to exceed the estimates; and in saying that he was expressing, not only his own opinion, but the opinion also of his colleagues. The Lords of the Treasury had expressed their disapproval of the proceeding in question in language so perfectly satisfactory that his hon. Friend had actually taken their words as his text; and in the opinion they had expressed, he (Sir F. Baring) entirely concurred. The only question, therefore, then at issue was, whether the circumstance was one which called for a special vote of the House as proposed by his hon. Friend. His hon. Friend had said that he did not mean to cast any censure upon any individual; and that was one reason why he (Sir F. Baring) thought it was not desirable that they should depart from their usual course and adopt that Motion. The expenditure in question had been incurred at a time when there had been considerable alarm for the public safety, and when it had been found desirable to render the defences of our coast more efficient. He was an advocate for the principle of his hon. Friend, and he hoped his hon. Friend would not think he was opposed to it when he differed from him on this Motion. [MR. HUME: Then agree to it.] I cannot do that, for this is the last day on which a money vote can be passed before Easter, so that I must press for the money. I hope, however, that it will not be understood from my vote that I am not as anxious to keep within the estimates as my hon. Friend.

SIR G. CLERK said, he believed the House was unanimously of opinion that an excess of expenditure in any department over the amount voted by the House was a great irregularity. He had the fullest confidence in the right hon. Gentleman the present First Lord of the Admiralty, and after what had fallen from the right hon. Baronet, he was not disposed to enter into the merits of the hon. Gentleman's (Mr. Hume's) resolutions. It certainly was extremely irregular that the expenditure of one great department should exceed the vote. He wished he could be equally confident that the vote they were about to pass would be the last occasion on which the House would be called on to make good a deficiency of last year. He was afraid it would be found that the expenditure of the current financial year, now approaching its close, would considerably exceed the estimates voted by Parliament. He believed that the deficiency arose from an error in the principle of calculating the wages of the men. Having, however, confidence in the financial management of the present First Lord of the Admiralty, he should not feel disposed to press the resolutions against the wish of Her Majesty's Government.

MR. WARD said, he had distinctly stated the other night that there would be an excess in the Navy expenditure for the current year, as compared with the estimate, as there was a larger charge than had been anticipated in Vote No. 1 for the wages of men, and also in Vote No. 17 for the freight service of the Army and Ordnance, for which the Board of Admiralty were not responsible, as they had merely been the agents for other departments.

SIR W. MOLESWORTH said, that his hon. Friend the Member for Montrose merely asked the House to disapprove of a certain system. He did not desire to inflict pain on any individual. This case was not an isolated case, because, for a series of years Parliament had been regularly and systematically misinformed with regard to the naval establishment of the country. The number of men borne was always greater than the number of men voted, and there was, therefore, an excess of expenditure in the two first items voted—wages and victuals. They were also misinformed with respect to the expense of works in progress. There were certain works in 1844-45 which they were told would cost 700,000*l.*, but when they were completed they were found to cost 1,700,000*l.* If that House was to exercise any control over the expenditure, it was their duty to put on record a resolution like that now proposed by his hon. Friend.

MR. HERRIES never remembered, during all his long acquaintance with the Parliamentary career of the hon. Member for Montrose, to have heard him so complimentary or forbearing. He could not see, however, that the circumstances of the case altogether warranted so much forbearance. There were two points to be kept in view, as it appeared to him, in looking at this question. There was, besides the excess itself, which perhaps was somewhat inevitable, the fact that no timely notice of that excess had been given to the superior department. The Admiralty ought to have reported in due time to the Lords of the Treasury, and have received their approbation or disapprobation of their proceedings. He had on many occasions maintained that doctrine, and experience only served to convince him that no department ought to incur expenditure not sanctioned by Parliament without reference to the department which had the control of the public purse. In this respect the Admiralty had signally failed, for it had incurred an expenditure considerably beyond that anticipated in the estimates. There might have been sufficient reasons for it; but none had been given, to his mind, such as to justify the Admiralty in not having recourse to that department which might have sanctioned it on its own responsibility, and thus have relieved the Admiralty from blame. His right hon. Friend the Member for Dovor, who had great experience in this department, and to whose labours there the public had reason to be grateful, seemed to hesitate to support the Motion, because he had confidence in the right hon. Baronet who now held the office of First Lord of the Admiralty; but surely, without making invidious comparisons, that confidence would have been equally well justified in reference to the late First Lord. If the hon. Member for Montrose was content not to press his Motion to a division, at all events he ought to record it on the journals of the House. In fact, he knew no case in which the House, being called upon to notice a subject, could record its opinion upon it more fairly or considerately. If the hon. Member for Montrose declined this, he really hardly knew on what grounds he could have made his Motion at all.

Lord J. RUSSELL said, with respect to the merits of the question there appeared to be no difference of opinion. The Motion contained the very words used by the Lords of the Treasury in expressing their opinion on this transaction; and he (Lord J. Russell), therefore, did not differ on this point from the right hon. Gentleman who had just sat down. With regard to the number of men borne and voted, he thought it right to say—having been in constant communication with the late First Lord of the Admiralty—that he had entertained hopes of being able to bring the number of men borne nearer the number voted. This being the case — there being this general agreement as to the merits of the question, he really put it to the right hon. Gentleman the Member for Stamford, whether it was desirable to have a division, when the two parties, going out on different sides, would, in reality, entertain no difference of opinion? The right hon. Gentleman could not but feel, that placing this Motion on the journals of the House, would be a reflection on the character of the late First Lord of the Admiralty, there being, at the same time, no disposition to impugn his conduct.

Captain HARRIS said, he totally disapproved of the whole expenditure incurred on this item, as to the embodying the dockyard artisans, and thought it had proved extremely impolitic.

Mr. HENLEY thought the question certainly ought to go to a division, unless the noble Lord at the head of the Government would consent to place the Motion on the Journals of the House; for having been raised, it could not be allowed to drop. The reason assigned for going no further by his right hon. Friend the Member for Dovor, that he had entire confidence in the present First Lord of the Admiralty, was most extraordinary; for great as was the confidence in the present Lord, he believed the whole country had as great confidence in the late Lord Auckland. But the Admiralty was not the whole Government; and was his right hon. Friend prepared to extend his confidence to every other department of the Government? He should certainly support the Motion.

Mr. ROBERT PALMER said, as there appeared to be no difference of opinion as to the merits of the question, and as he understood the hon. Member for Montrose not to object to the vote, but to be desirous only to record his opinion, he begged to suggest whether he might not attain his object by withdrawing his Amendment, and bringing forward his resolution as a distinct proposition.

Mr. HUME had no objection to the arrangement if the noble Lord at the head of the Government would consent to allow the resolution to be placed on the Votes; and he trusted the House would acquit him of having any wish to press it forward in a vexatious manner.

Lord J. RUSSELL said, his only objection, as he had already stated, to placing the resolution on the journals, was a feeling with regard to the memory of the Earl of Auckland, who had conducted the Admiralty to the general satisfaction of the country. He left the matter in the hands of the House, and as all such imputations had been universally disavowed, he had no objection to the resolution as enforcing the necessity of a constitutional check on expenditure.

Mr. HERRIES begged most distinctly to disavow any desire to make the imputation which had been suggested, and no such inference, he trusted, would be drawn from anything which had fallen from him. He thought the course suggested by the hon. Member for Berkshire would reconcile all opinions.

The resolution of the Committee of Supply was then agreed to, and the resolution proposed by Mr. Hume was afterwards put and agreed to.

Mr. HUME hoped the Government would send a copy of his resolution to every department of the public service.

POOR LAWS (IRELAND)—RATE IN AID BILL—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to be made to Question (26th March), "That the Bill be now read a second time;" and which Amendment was to leave out the word "now," and at the end of the Question to add the words, "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

MR. NAPIER, in rising to oppose the second reading of this Bill, said, a more important question had not, for a long time, been submitted to the consideration of Parliament, whether in regard to the principle involved, or the feeling excited by the Bill among the most intelligent portion of the Irish people. He wished, in the first place, to consider it as a question of principle, and it was his intention to divide the argument into two branches; and, first, to consider the question as a question of rating; and, secondly, as a question of taxation—two entirely separate questions. With regard to the question of rating, the principle involved in the Bill appeared to him precisely this—whether a rate should be imposed on the rateable property of one union in aid of the rates of any other union, however distinct or however disconnected. He warned English Members that this was a principle which, if carried with reference to Ireland, might soon be established against the people of England. The Bill conflicted with every system of poor-laws as yet introduced into Ireland. If he rightly understood the argument, the Government attempted to establish their case by making out an analogy between this Bill and the statute of Elizabeth; and he was quite willing to be bound by the principle of that statute. They maintained that the Act of Elizabeth had provided a rate in aid, which was to be levied on the vicinage. This argument, however, required examination, in order to see where the vicinage ended, and whether its limits were circumscribed by some capricious, arbitrary boundary, or whether it was determined upon some fixed principle. If he had read the statute aright, a clear and rational principle was laid down; following which in the present case, all cases of rating would be excluded beyond the limits of the poor-law union, unless they were prepared to go to the extent of converting all Ireland into one poor-law union. The right hon. Secretary of State for the Home Department had referred particularly to the statute of Elizabeth, and he begged, therefore, to call the attention of the House to its provisions. That statute found the parochial system at work, and the object of it was to make use of the existing machinery in the country, and by legislative enactment to compel the performance of that which might be fairly considered a moral and religious duty. They then engrafted the poor-law upon the parochial system, and it was enacted that two of the justices of the peace, in conjunction with the churchwardens and householders, should work out the principle of the poor-law. The principle of local control and local superintendence was thus steadily kept in view. Then, if the parish was unable to support its own poor, power was given to apply to another parish within the hundred, and if the hundred was unable to meet the demand that was made on it in behalf of the poor, the justices at quarter-sessions were empowered to impose a rate upon the county at large. The House would, then, see that all the local machinery that could be obtained was brought into full power and operation in the carrying out of this law, so as to prevent injustice being done to any parties, and to secure the right appropriation and expenditure of the public money. Now, he asked, was it common sense to apply that to the case of all Ireland, and to say to the union in the extreme north they must contribute a rate in aid to supply the necessities of a union in the extreme south, and to compare such a principle with that of the statute of Elizabeth? He argued that this statute of Elizabeth supplied him with the principle which utterly defeated the principle which was sought now, for the first time, to be recognised in the measure before the House; and he would observe, that this principle was well stated by the Boundary Commissioners in their report upon going into the question of districts for the purposes of poor-law administration. One of the arrangements entered into for the protection of property was, a provision for the helpless and infirm, and those who were occasionally destitute. This arrangement was carried out in a most equitable and advantageous manner—the provision for such being a general contribution levied upon property in land; and to avoid imposition, every local discretion and control were afforded, by dividing the country into distributary districts. There was no principle more important than to preserve to those who pay the rate the efficient, real, and substantial control over their funds, as regarded both the amount and the expenditure. There was no principle that harmonised so much with the very spirit of the British constitution. He thought he might say that the law of Elizabeth, when contrasted with this Bill, was directly contrary to it in principle. It had been said that the sum sought to be raised was one of a very trifling amount. That, he submitted, was no justification at all for such a measure; for if it were wrong in principle, they had no more right to levy 1*d.* than they had to levy 1,000*l.* They should also beware lest they formed a precedent, by affirming such a principle, which might be brought against the people of England at some future period, and which would take from them that local control and superintendence over their poor-law which had existed since the time of Elizabeth. When the law of 1838 was passed for Ireland, they would perceive that the same principle was recognised, but in a somewhat different manner; and it was important also to remember that the Act of Elizabeth being passed immediately after some years of famine, the enlightened statesmen of those days accompanied it with provisions for the employment of labour in reproductive works. In Ireland, there was no perfect parochial system; and there had been no reproductive works worth mentioning. The injustice, however, of making one union contribute to another arose also from the variableness of the valuation of property. The guardians were entrusted with the valuation, and the standard, consequently, was different in almost every one. There was one mentioned the other night in the north of Ireland, where the valuation was far below the rent value, while all around were much higher. He had accidentally discovered that in that union there was only one *ex-officio* guardian, and that might account for it. The area was also a great element in the consideration of this question. The law of 1838 had not the same machinery which the law of Elizabeth found existing in England. What did this law of 1838 do? It did not carry out a principle that was supposed to lie dormant in the country; but it had to carry out a new principle, which went to the very base of the poor-law. They had since sought to engraft upon that system a new principle that was considered most ruinous to the interests of the country. This law of 1838 provided for the case of unions. It formed a number of these unions, and provided a certain machinery in these unions analogous to that parochial machinery that was found to exist in England, and was taken advantage of under the law of Elizabeth. The House would see at once that if it were deemed necessary to go beyond the limits of the union to meet the wants of the poor, they were only empowered to go to the neighbouring union. The administration of relief was placed under the control and management of certain guardians, with the other machinery of relieving officers, overseers, &c., to assist them in carrying out the powers of the Act. Would it not, then, be monstrous injustice to make such officers in one part of Ireland liable for the conduct of others in an opposite part of the country, of whom they knew nothing, and over whose acts it was impossible that they could exercise any control, or could check any lavish expenditure of the property which they were forced to entrust into their hands? So far from there being any principle of analogy between the Act of Elizabeth and the measure under consideration, he would remind the House of the practical wisdom of the Duke of Wellington, who, when the Poor Law Bill for Ireland was under discussion in the other House, introduced certain clauses for the avowed purpose of reducing the liability as much as possible within the limits recognised by the English law. Instead, then, of extending the liability beyond the unions, the principle that was generally recognised was to reduce that liability. This was first confined to landlords; but the Act of 1843 extended the principle to all cases. They could, therefore, under this latter Act, reduce the area of liability in cases where there were several townlands—being common property—to only one townland. He wanted thus to show them that neither the law of Elizabeth nor that of 1838 gave the slightest encouragement to any responsibility whatever outside the bounds of the union. So far from doing so, the object of those Acts was to secure the utmost co-operation and control, by confining the liability within the narrowest limits possible. He was here reminded of one point, which he thought was very much misunderstood by many. It was thought by some that the system of clearances would be greatly encouraged by reducing the area of responsibility. Why, so far from this being the case, the reduction of the area of responsibility was well calculated to prevent it. If they looked at the policy of the Act, they would find that it was to reduce the area of responsibility, for the purpose of securing better and more complete co-operation, control, and unity of purpose, and to render conterminous with this, so far as it was possible to do so, the legal and moral responsibility. Let them come now to the Poor Law Extension Act, for the purpose of seeing whether there was anything in that Act which went to effect a change in this principle. That Act introduced what has been thought by many a most dangerous principle, namely, a provision for outdoor relief. Now, having contended that neither the law of Elizabeth nor that of 1838 recognised the principle of responsibility beyond the limits of the particular union, he would also submit that this Poor Law Extension Act, in enacting the outdoor relief system, did, *à fortiori*, recognise this limited responsibility; for the evils consequent upon this system of outdoor relief could only be neutralised by the great energy displayed, and vigilant superintendence carried on, by those parties who were specially interested as honest men in the proper expenditure of the public money, and in improving the condition of the country. He thought, then, that on the principle of analogy, as well as upon that of reason and justice, they could not extend the liability of any ratepayer beyond the limits of the union or division in which his property was situated. This principle seemed, too, to be recognised by another passage in the report of the Boundary Commissioners, where they spoke of the smallness of the unions, and which bore upon the present question materially:—

> "Still the advantage of the smaller union was not so sensibly felt as it now is, until the Act of 1847 extended relief to paupers out of the house; because the number of infirm or helpless persons in a given community is tolerably constant, and, as a test of destitution, the workhouse is less essential; nor is so rigid a personal and local scrutiny by the guardians so indispensable. As soon, however, as it became necessary for the guardians to control the administration of outdoor relief, and more especially when the necessity for such relief was increased beyond all permanent conditions, by the pressure of severe, and, yet more, of successive years, of famine; following also the immense extent of gratuitous relief administered under the Act of 10 Vict., c. 7, the better state of the northern and eastern unions became very apparent."

In regard to Ireland, he should say that the size of many of the districts appeared to be larger than those in England. Now, the very reverse should rather be the case; for in proportion as the social condition of the country was better, so they might with the more safety enlarge the extent, the area of liability, and management. Remembering the actual state of Ireland, when there were so many causes for the introduction of social divisions and discontent, he thought that it was a most mistaken thing to have such extensive districts. There was, no doubt, in many parts of the north of Ireland, much general co-operation and control; but still, some of the unions in which the burden of poor-law taxation could be better borne than in others, strange to say, were, according, as he supposed, to a principle of Irish perversity, of much smaller dimensions than others. In this view of the general principle of the Acts to which he had referred, it was entirely against the endeavour to fasten any liability outside of the limits of the particular union. The measure of 1847, it should be recollected, was forced upon Ireland against the remonstrances of almost every person that had an interest in and a knowledge of the country. The present Archbishop of Dublin had then predicted everything that had since occurred respecting that law. In the report of the Commissioners in 1834 in respect to the English poor-law, and on the subject of outdoor relief, were the following observations:—

> "Such a fund applied to purposes opposed to the letter, and still more to the spirit, of the law, is destructive to the morals of the most numerous class, and to the welfare of all. That the great source of abuse was the outdoor relief afforded to the ablebodied, on their account, or on that of their families, given either in kind or in money."

Now, that was what the Commissioners said in 1834 in respect to the law in England. When the Act of 1838 passed, there was no provision made in it for outdoor relief; but when the measure of 1847 came before Parliament, that principle of outdoor relief was then recognised, and was forced upon Ireland in accordance with the Ministerial policy of that time. If, then, they forced their Imperial poor-law into Ireland, he thought it too hard of them to ask the Irish people to pay a provincial price for the injuries that had thus been inflicted on them. He denied the principle of rating property for outdoor relief outside of the union. He had, so far, argued the case upon the general principle of its reasonableness and practicability. He would go now to the question of the peculiar application of this measure to Ireland. He took two grounds of objection to it: first, its injustice; and, secondly, he said it was an injurious and unwise policy to apply to Ireland, as they considered it in reference to the general interests of the united kingdom. First, then, in regard to its injustice. He thought that there was this remarkable difference between the English and the Irish poor-law. In England, they had a poor-law which had been established centuries ago. Every person who purchased property in the country did so with a full knowledge of its liability; and therefore there was no clashing between his interest and the rates of the poor. But in Ireland they superinduced a poor-law upon property for the first time in 1838, and they should have made every interest in that property, according to its rateable value, contribute to the support of the poor. That was so far a principle of equity and justice. But what was the exact contract made with the landed proprietors of Ireland in 1838? He wished to draw the particular attention of hon. Members to this point, in consequence of what had fallen from the right hon. Baronet the Member for Tamworth in the reference which he made to the repayment of the workhouse advances. Mr. Nichols estimated the poor-law expense to the country at 345,000*l.*, which included the advances for the building of the workhouses. He estimated this workhouse system as a permanent one. He also reverted to the special casualty of a famine, when he said—

> "The strict limitation of relief to the workhouse may possibly be objected to, on the ground that extreme want is found occasionally to assail large portions of the population of Ireland, who are then reduced to a state bordering on starvation, and ought, therefore, it may be asserted, to be relieved at the public charge, without being subjected to the discipline of a workhouse. This, however, is an extreme case; and it would not, I think, be wise to adapt the regulations of poor-law administration to the possible occurrence of such a contingency. * * * * The occurrence of a famine, if general, seems to be a contingency altogether above the powers of a poor-law to provide for."

The contract that was then made with the proprietors of Ireland was such as he had just described. The Poor Law Commissioners, before the passing of the Act of 1838, recommended the adoption of certain measures, by which the people would be generally employed. The Earl of Carlisle did the same in 1838; and the Marquess of Lansdowne since that time said, that "if ever a solemn pledge had been given, it was given by their Lordships during the discussion that took place upon the Irish poor-law—that their Lordships would by every means in their power encourage the employment of the labouring poor in Ireland." And in respect to the public works that were carried on, the noble Marquess said, that he would not ask any better security for the money that had been advanced than those afforded, for already had about two-thirds of such money been repaid, and the reason why the remaining one-third was still due was, because the whole of the works had not then been completed. He thought it right to say thus much with reference to the conduct of the landed proprietors, because he considered that they had, as far as lay in their power, fulfilled their part of the compact. But he must say that, in his opinion, there had not been such a fulfilment of the compact on the part of the Government, as if it had been entered into between private individuals. It was his most earnest desire to promote a knowledge of the advantage of a mutual interest existing between tenants and their landlords, and between the proprietors of the soil and the Government, all of which he thought were essential to the prosperity of any course of policy towards Ireland that might be adopted. He wished to cement a real union of sentiment upon their common interests. Let them look to the circumstances in which Ireland was placed. The landed proprietors' estates were encumbered: there was a deficiency of capital in the country, and a surplus population. Now that was a state of society, the evils of which it was not easy to grapple with. It was well known, that the staple article of food in Ireland had failed to supply the wants of the people, and that thousands of persons had perished in consequence. But although, as he said, many had perished, yet the rights of the poor were not forgotten; they were upheld to the utmost by those who in Ireland possessed the power of supporting them. England had lent her helping and powerful hand, and Ireland was, he believed, grateful for it. A large sum of money had been voted by Parliament, with the view of creating employment for the labouring population of Ireland, but the good it had effected was problematical. The works upon which the labourers were employed had benefited few of those persons upon whom it was proposed to charge the present rate in aid. The parties whom the tax would peculiarly affect had already borne heavy burdens on account of the distress which prevailed in Ireland, and they had, in consequence, been compelled to contend against other difficulties; and if their pecuniary resources were again pressed upon, ruin would, in a majority of cases, be the consequence. It was thought by those best acquainted with Ireland, and who most attentively considered the present state of that country, that the present plans of Her Majesty's Ministers were not likely to prove successful; theories like theirs must be shivered at once in such a place as Ireland; the land was heavily encumbered, capital was deplorably deficient, the surplus population was excessive, and the cottier system generally prevalent. How, then, could plans inapplicable to England be made to work in Ireland? But, recently, a famine came, which gave the opportunity, while it pointed out the necessity, for comprehensive measures; yet for those they had still to seek; though the dispensations of Providence had forced the Government to do something—they "saw the light indeed, and were afraid; but they had not yet heard the voice." The present measure of the Government afforded no hope—there was no justice in it. The tenant farmers would derive no advantage from it. It would not benefit the clergy or the landlords. The people might be kept alive by it, but nothing more. By it the people would be more demoralised than ever—not that he meant to say anything to the disparagement of his poorer fellow-countrymen, for he regarded them with feelings of the deepest compassion; and he was not without hope that in England feelings of compassion would be vividly awakened. England ought to have a high ambition with reference to Ireland. He hoped she would soon feel that the state of Ireland ought not to be a matter of money and finance, but that, as regarded that country, she had a great mission to fulfil. If by a rate in aid they merely kept Ireland from starving, they would shut out all hope of better days; and he must say, that if the money spent in relief works had been applied to emigration or other useful purposes, Ireland would now be in a much better condition than she was. Private energy had not been stimulated; the compact with respect to the tax of 345,000*l.* a year was broken; and starving millions were thrown upon the country for support. True, the difficulty and distress which had occurred could not have been foreseen; they arose from circumstances over which human power had no control; and some who had the means of alleviating them were not forward in doing so. The misfortune lay not at the poor man's door—he was not to blame. Providence willed it. And England had a high mission to perform—a high duty to discharge—inasmuch as there was a communion of interests between herself and Ireland—these two countries were bound together by the closest tie—England had, he repeated, a high mission to perform and a high duty to discharge, in relieving, as far as her great resources would allow her, Ireland from that state of destitution in which she was unfortunately placed, and which was almost unparalleled in the circumstances of Christian countries. But instead of attempting to relieve her, the Government of this country were about to fetter her already crippled resources. In what position was she placed at present? Her soil was smitten with sterility, and moreover that protection to her agricultural industry and improvement which existed when the poor-law was first enacted, had been withdrawn from her since. ["Hear!"] He would not farther enter into that part of the question, but he did not think it unfair to advert to it. But he asked whether it was wise, just, or generous for this great country, whose resources and power enabled it to throw down the gauntlet to the rest of the world in defiance, to fasten upon a few parties in Ireland the burden of this rate, who had already been almost exclusively taxed under the poor-law for the support of the destitute in their island, which was an integral part of the British empire. The calamity under which Ireland was suffering was providential, and the charge consequent upon relieving her from it ought to be borne by the kingdom generally. The system of relief proposed gave no hope for better days. Perhaps the House would permit him to read an extract from a letter addressed by a noble Lord to himself, which put the point of forcing the rate in aid upon Ireland, at the present moment, very clearly:—

"I am very anxious that the results of experience in this, the Ballinasloe poor-law union—one of the largest and most populous in Connaught—should not be altogether overlooked by your Committee. For seven years up to September, 1847, the poor-law of 1838 was here in beneficial operation, with regard both to the interests of the poor and the social improvement of the district. The destitute always found relief, and none others applied for it. Idleness, except under the Temporary Relief Acts, found no encouragement; and agriculture steadily improved under the auspices of a district agricultural society, originating with the board of guardians. Under the Poor Relief Extension Act the same guardians have spared no exertions to administer the law beneficially; but although their labour has been excessive, all they have been able to do has been to mitigate in some degree the evils inseparable from any Act holding out to the uneducated poor of Ireland the belief that they may be fed without working for their bread. All the unions around us are under paid guardians, by whom outdoor relief is lavished and in fact cannot be controlled. The ruined and hopeless state of those unions you know from the papers that have been laid on the table of the House. They have been brought to their present state of insolvency, and are now to become a burden upon the rest of the country, through the operation of that very Act which is now to be upheld by a rate in aid. Though heavily taxed, we are capable, I trust, of maintaining ourselves, but certainly not in a condition to bear any new burden at present. We have saved ourselves hitherto by returning to the principle of giving relief only in the workhouse, except where the relieving officers are authorised to give it otherwise in cases of urgent necessity; the consequence is, that the cultivation of our lands is more attended to, and the population is better disposed to habits of industry. The bad example, however, of the adjacent unions, and the knowledge among the poor that the guardians may, if they please, order outdoor relief, operate most injuriously, and prevent that return to settled habits of self-reliance which are so necessary to be encouraged."

That letter, it would be perceived, came from the west of Ireland, where many of the landlords had performed their duties in connexion with the relief of the poor. The effect upon the landlords had been most disastrous; many of them had been dragged altogether down to the dust, and those among the best and most active agriculturists of the country. He would mention as an illustration Colonel Jackson, who had been so utterly ruined that he had been fain to seek the position of poor-law inspector, in fulfilling the duties of which he caught a fever and died. Returning, however, to the immediate question before the House, let him be allowed to assure them that this measure was most impolitic as it regarded Ireland, and he humbly requested of them not to take any narrow views upon questions between the two countries. Upon a matter of this description and magnitude they ought to take a large and comprehensive and wise and generous view of the course of policy to be pursued. There were three things Ireland wanted in order to promote her welfare. The first was repose, a cessation of political differences, and angry feelings and disputes; secondly, capital; thirdly, the exertion of private individuals for the purposes of agricultural improvement. Any policy that would ensure even one of these three things, ought, in his opinion, to meet with favour on the part of the House; and any course of action which was likely to have a contrary effect ought to be discouraged. Now, let him for a moment test these three subjects by the feeling of the people of Ireland; and a large proportion of them were perfectly capable of forming a judgment upon them. The House must be already aware that the majority of the Irish people had expressed opinions unfavourable to the measure; and that in some instances threats had been held out with respect to obedience to the law. His own hope was that if the Bill should pass, its provisions would be quietly obeyed; but at the same time he was of opinion that obedience might be purchased at a very dear price. From the opinion which was known to prevail upon the subject of the measure, he thought that it would tend to weaken the affections of the loyal portion of the people of Ireland towards England, and that it would engender feelings of animosity towards British legislation. And would this contribute to the repose of the country? On the contrary, it would, he was convinced, lead to that system of agitation, and of setting class against class, which had already operated so banefully in Ireland, and which, as the Earl of Clarendon had mentioned in his letter, had scared away that capital which would otherwise have been beneficially employed in that country. With regard to the question of capital, if it was considered advisable to make advances of the public money, could they not be made under ordinary circumstances, and not by diminishing the shattered remnant of the capital which remained in the country? The constant system of taxing property in Ireland it was that deterred men who had capital from employing it, and thus private enterprise was paralysed. If this measure was carried, it would have the effect of reducing Ireland to a condition the result of which would be certain ruin. Did hon. Gentlemen recollect the celebrated prediction of Mr. Senior, who stated that if the system of outdoor relief was adopted in Ireland, it would, in the course of ten years, accomplish the ruin of the country. The advocates of free trade argued that all difficulties might be battled successfully against by the application of capital. But no one was to be found to invest capital in Irish property. He was surprised that the Government should attempt to risk so much as this Bill involved for such a paltry consideration. Even during the present Session Her Majesty's Government had come forward with a demand for a grant from the Consolidated Fund, which they had obtained; and the plea they put forward for that demand was, that if the money were not given, the people must be left to starve. That demand had been opposed by some hon. Gentlemen on his side of the House, upon the ground that sooner or later the people of Ireland must be necessitated to depend upon their own energies, and that the sooner the experiment was entered upon the better; it was supported by others on the plea of necessity. The money must be had, and the question was, from what fund was it to be taken? For the purposes of discussion he would admit that the money must be raised; but he could not admit the right of the House to take it from a fund merely because it would save trouble. Suppose he saw a person starving, it would be very proper that he should relieve him; but in order to do so he had no right to pick another's pocket. He was bound to act upon some principle, and look at the question, and say whether a rate in aid was what, as a Member of that House, he had a right to agree to in order to relieve the admitted distress. The question was—and they could not avoid coming to a decision upon it—was it to be considered on imperial or upon Irish grounds? He was aware that there was much feeling abroad upon the subject both in this country and in Ireland; but he would endeavour to deal with the subject in a fair and impartial spirit, because he was perfectly aware how deeply important it was what answer should be given to the question by that House. If Ireland was an integral portion of the united kingdom, he could not understand, if he was right on the question of local rating, how they were to stop short the moment they got out of the union—why were they to be stopped by the sea, if Ireland was an integral portion of the united kingdom? He valued the Union, and he claimed all its privileges, because he found himself bound to submit to all its liabilities. Until he repudiated those liabilities, they were not in a position to deny him any of those privileges which the Union conferred. Suppose, as they had done last year, they were to send a special commission into some of the counties of Ireland, would they not pay the expenses out of the Consolidated Fund? Would they, for a moment, think of demanding them from any peculiarly Irish fund? He knew it was said that Ireland did not contribute fairly to the Imperial Treasury. They paid all they were asked to pay, therefore it was not their fault if their contributions were not in proportion to those of England. They had an Imperial poor-law. Even during the present Session the Government, the House consenting, had applied to the Consolidated Fund for the purpose of carrying out that law. If Ireland did not pay enough to the Imperial Treasury, why take the 50,000*l*. from the Consolidated Fund for the purposes of those distressed unions? He believed that at the time they made that demand, the Government had not the slightest notion of a rate in aid—he believed that it was altogether an after-thought. It was only when they found that a strong feeling against any further grant was raised in England—it was only when they were made aware of the fact that they could get no more money out of the Consolidated Fund for such a purpose, that they said they must turn upon Ireland. The Government thought they could get the English Members to go against Ireland —Ireland, which was already staggering under great difficulties must be borne down. They said to themselves, "Money we must have—

"Si possis, recte; si non, quocunque modo rem;"

and accordingly the rate in aid was taken up and pressed, first upon the Committee, and subsequently upon the House. He was perfectly willing that Ireland should bear any burden which the Legislature might think it right or just to impose upon her; but if, as he had a right to assume they had, they had imposed as much of taxation on Ireland as they thought she could bear, or should justly pay, they had no right to turn round and put a tax upon the land which was unjust in character. What was the language used by the right hon. Baronet the Member for Tamworth on the occasion when Mr. Roebuck moved to extend the property tax to Ireland. He said—

> "What you are now called on to decide is this, whether Great Britain, being subject to the payment of a tax upon income derived from land, or income derived from office, or profits of trade, and an income derived from all occupations to which salary is attached, you will determine that in Ireland, land—and land alone—shall be liable to this tax. So that the Lord Lieutenant would be exempt, whilst land alone is to bear the burden. I cannot see the justice or the equality of the prin-

> ciple. I say at once, taking a large and comprehensive view of the state and condition of Ireland and the Irish people, I advise you, strenuously, to relinquish such a small advantage. Now the House must remember that under existing circumstances, if an Irish landed proprietor be resident in England, he is liable to the income tax; and the tax therefore operates upon him as a powerful incentive—one more powerful I fear in some cases than the obligations of duty—to reside in Ireland. The hon. Gentleman proposes that land—and land only—shall be subject to the impost. If he had said, as another hon. Gentleman (Mr. W. Williams) did, 'offices;' I think there is something plausible in that proposal; but I don't mean to adopt it. The hon. Gentleman says—'There are certain public servants with large salaries—let us tax them.' There really is something extremely captivating in that to those who share in the hon. Member's prejudices against public servants. The hon. Gentleman the Member for Bath does not propose that offices shall be taxed; so that the Lord Lieutenant would be exempt—whilst land alone is to bear the burden. I can't see the equality or the justice of the principle of the hon. Member for Bath. I am therefore on the whole strongly in favour of the original proposition—that after mature consideration I did—on the part of the Government—propose to the House. I willingly admit that on the first view of the case justice would suggest the policy of applying this tax to Ireland—I admit that; but I must also say that subsequent consideration has confirmed our original views—and that to them we must adhere."

With regard to the financial argument in respect of Ireland — if it were the real sound feeling of England—not that unhealthy feeling which induced a desire to shift a burden from their own to other shoulders—if the sound feeling of this country were that Ireland ought to bear any additional taxation, he would not put forward a mere financial argument against such a feeling, because he was very anxious that there should be good feeling on both sides—ill-feeling on either or both sides could only be injurious to both countries, therefore, he thought it both unwise and ungenerous to press such a measure. There ought, in common justice, to be either local rating and local taxation, or, that failing, then the appeal for aid ought to be to the Imperial Treasury. In the same debate, the noble Viscount the Secretary for Foreign Affairs stated, in the course of the debate to which he had just alluded—

> "You may no doubt increase the revenue by imposing this tax on Ireland; but in my opinion it would be extremely disadvantageous and impolitic to impose it. If you will give to Ireland as much relief from taxes as possible—if you follow out the principle of exonerating her from many taxes which now press and formerly pressed on this country—if you will do what you can to call forth the resources of that country; and to pour a larger share of capital into it—you will do that which is best calculated to promote her prosperity. But taking the matter in the narrowest and most selfish view—to make Ireland most conducive to the general prosperity of the empire—I am persuaded the best plan you could adopt would be—not to apply to it this income and property tax which you are now going to continue in this country."

He (Mr. Napier) contended that it never was intended—never contemplated, that the taxation of both countries should be the same. When England took Ireland into partnership, she was by far the richer country; and that distinguished man, Mr. Burke, strongly pointed out in one of his letters on Ireland, the deep injury that would be committed if they imposed the same burdens on the two countries. They ought to know that the strength of a beam was the strength of its weakest part, and if by their legislation they brought down an important class in Ireland—a class which must bring down others along with them—they might depend upon it that they would bring a great and a heavy burden upon England and her resources. They claimed the Union with all its privileges, and those privileges they could not object to give upon the plea that Ireland did not pay proportionally towards the Imperial Exchequer, at a time when the Government and the Legislature were not prepared to impose upon her additional taxation—were not prepared to extend the income and property tax to Ireland, on the ground that she could not bear it. If England thought Ireland was taxed sufficiently, then they had a just claim upon the Imperial Exchequer—if she was not, it was not her fault, but the fault of England, and English Members had no right now to impose an unjust burden upon the land of Ireland for a fault of their own. He would now come to the suggestions thrown out for the amelioration of the state of Ireland by the right hon. Baronet the Member for Tamworth. His own honest opinion, and one which he did not fear openly and honestly to avow, was, that whatever was necessary for supporting the life of the people in the distressed unions ought to come out of the Consolidated Fund—and let the House impose any taxation upon Ireland which they thought would be just or fair. The right hon. Baronet had suggested that the west of Ireland particularly was in that condition that must prove wholly ruinous if it were allowed to continue; and, therefore, some bold, vigorous, and comprehensive measure was necessary to avert that ruin. One thing in that suggestion struck him as being erroneous. The right hon. Baronet took it for granted that if they could get a new class of proprietors, men possessed of wealth, that would be sufficient to get the country out of its difficulties. He felt much diffidence in opposing his opinion to anything which fell from the right hon. Baronet; but in his honest opinion he did not believe that that would prove a sufficient means of meeting the difficulties of Ireland. The right hon. Baronet had said, that if the plan he had sketched out could be carried into effect without any Government interference with property, he thought it would be wise that it should be tried. Now, it was to be borne in mind that many of those in possession of the land were merely nominal proprietors—that the real proprietors were the incumbrancers; but the merely nominal owners were the parties who were rated as the real owners—they were the parties who were made to pay the poor-rate, therefore it was a hard measure of justice to turn round upon them, make them liable for the faults of legislation, and turn them out of possession, putting in the real owners after the maximum of a poor-rate had been laid down. He was aware of the many difficulties which surrounded the question, in consequence of the law of 1838. The principles of valuation laid down by that law were most unjust, for no provision was made for deducting anything in respect of incumbrances, and the clergy were rated for their gross incomes without being allowed to make any deduction whatever, the only instance in which property was charged to the rate at its full amount. The consequence of such a state of the law was, that the nominal proprietor, from the failure of the potato crop and from other causes, obtained but little of the rent of his land; and, being compelled to pay the poor-rate, as well as to meet the demands of the incumbrancer, he had sunk under the burden. Was it either just or generous, then, to come down upon him now, and put the incumbrancer in possession in such altered circumstances? He admitted that the mere removal of such merely nominal proprietors would be an important step; but he contended it would not alone set the country up again. He would take the case of a union in the south, a large portion of the property in which belonged to a nobleman of high character, of great liberality, and everything which could make a landlord amiable to his tenantry. He alluded to the Marquess of Lansdowne, whose property lay in the union of Kenmare, where the tenant-right existed. The noble Marquess had effected many improvements; he had got rid of middlemen altogether; he had made an abatement of 20 per cent upon his rents during the last year, and in every way was a good landlord. But what was the result to the union in which the estate was situated? There were two neighbouring proprietors who employed the whole of their poor upon their estates; but still they were compelled to contribute towards the maintenance of the paupers in the workhouse, three-fourths of whom were from the estate of the noble Marquess? What was to be done in such a case? Were they to have a change of proprietors? Were they to get rid of the Marquess of Lansdowne? The noble Marquess had got rid of the middlemen, but he was not hard-hearted enough to dispossess the small holders on the estate, and the consequence was as he had stated—so that in order to cure the evil they must commence at both extremities, and while they removed insolvent landlords they must also remove insolvent tenants; and any measure of that kind ought to be fenced round with well-considered measures of emigration, in order that the resources of the country might not be wasted by a too dense population. In the north, by their manufactures and by their great industry, the people had been enabled to support themselves; but now, from the failure of the potato and the introduction of the poor-law, labour had gone down, and even the energetic people of the north found that they could not support themselves upon the small farms—they were selling their tenant-right, which had been depressed to two-thirds of its value. The farms were getting larger, and unless they were stopped by an unjust impost being laid upon their industry, the people would soon get right of themselves. But in the south, matters were very different. There they were possessed of no manufactures—the people clung to their small holdings — improvident marriages were too frequent, and consequently the population were in a state of misery. There was a cry for such labour in the colonies—why not then save them from eviction, by a wise system of emigration? Many were now leaving the shores of Ireland, but they did not belong to the small-holder class. The people looked to emigration as the natural cure for the evils with which they were oppressed. They ought, in his opinion, to give a well-considered system of emigration. They ought then, he said, all to co-operate, with one heart and one mind; and in so doing, they might be the means, under God, of saving their unfortunate country. He considered that many things might be done to aid Ireland. The poor-law, for instance, might be amended; and one thing was universally admitted to be most desirable—namely, reducing the area of responsibility. The charge of excess upon districts at a distance could not be attended by any other than disastrous results. There might, too, be some means of advancing money, on well-approved security, for the purpose of improving the agriculture of the country. In connexion with this subject, he could not avoid saying that he found great satisfaction in co-operating with many gentlemen from whom he differed both in religion and in politics. He was sorry that what he had said on a former occasion should have been mistaken by some hon. Gentlemen—that they should have supposed him to have said that Protestant Ulster would not like to pay for Connaught, because it was Catholic. He should be sorry to say or to think so. The charities of life were not attached to the dogmas of any creed, but they belonged to their duties as Christians. In such a time as this, he addressed all in the words of Cicero:—

> "Quare videte, num dubitandum vobis sit omni studio ad id opus incumbere, in quo gloria nominis nostri, salus sociorum, vectigalia maxima, fortunæ plurimorum civium una cum republicâ defendantur."

Sir R. PEEL: As, in the course of the very able and temperate speech of the hon. and learned Gentleman (a speech on which I will pass this eulogium, that it was worthy of his own high character for ability and moderation), he has frequently done me the honour of referring to opinions expressed by me, and as I wish to take the opportunity of making some observations, rather with reference to the general social condition of Ireland, than to the particular enactments of the measure now under consideration—I cannot, perhaps, rise at a more opportune time than the present to address the House. I gave my vote for the proposal of the rate in aid, rather for the purpose of expressing an opinion that we had a fair claim to call upon Ireland for separate and independent exertion, than of pronouncing a decision in favour of the particular merits of that proposal, as compared with other proposals that might be made. I still think, notwithstanding the speech of the hon. and learned Gentleman, that we have that claim on Ireland for such separate and independent exertion. My opinion is founded on more than one consideration; partly on the consideration of the great and noble exertion willingly made by this part of the empire for the relief of Ireland, and partly on the consideration that Ireland has not done her duty in respect to the repayment of her pecuniary obligations to the Imperial Treasury. I allude to certain advances connected with the operation of the Irish poor-law. The hon. and learned Gentleman says, "that Ireland has paid all she has been asked to pay." It is because I totally differ from him on that point, that I think we have a fair claim upon Ireland, on the present occasion, for separate exertion. We asked Ireland to pay 1,300,000*l.* which had been advanced from the Imperial Treasury to enable her to build the union workhouses. Money was advanced to this part of the empire, for the same purpose. I have not heard that England declined to pay those advances, but I am afraid that Ireland, generally speaking, has repudiated the debt. The answer of the hon. and learned Gentleman, on this head, is far from satisfactory. There was a clear pecuniary obligation, which ought to have been discharged by Ireland. I regret she has not discharged it, because the refusal operates as a discouragement to consider her case under circumstances when similar aid might be required. I voted, also, for the measure before the House; because I entertained a confident belief, that if Ireland willingly consented to make a separate and independent exertion, she would induce Great Britain the more readily to co-operate with her in those efforts which are indispensably necessary for her welfare. I did not give my vote for this measure because I considered it any sufficient remedy for the evils under which Ireland labours. The House is totally mistaken if it believes that the last 50,000*l.*, or the present 100,000*l.*, or any rate in aid which you may impose on Ireland, are measures at all commensurate with the evils that afflict that unhappy country. In many parts of the speech of the hon. and learned Gentleman I concur. So far am I from being inclined to raise any prejudices on the part of Great Britain against Ireland, that I concur with him in opinion that injustice has been done to Ireland. With respect to the operation of the poor-law, I think that Ireland has made a great exertion to meet the obligations imposed on her. England ought to bear in mind that she is circumstanced, with respect to the poor-law, in a manner totally different from Ireland; that the poor-law was a new and unexpected imposition, with respect to Ireland, in 1838; and that the argument used in favour of the equity of impositions of that kind—namely, that the property was inherited or purchased subject to the pecuniary obligations which had endured for centuries—did not apply to the case of Ireland, which was called on to bear the expense of a poor-law, although all the engagements as to property had been made under another state of things. In the midst of unparalleled affliction, Ireland bore a burden last year of not less than 1,600,000*l.* for the support of the poor. I think that a great exertion. I heard it said the other night, by some hon. Gentleman, "Why should we support the poor of Ireland—since, after having supported them, Ireland rebelled against the supremacy of the Crown?" I believe that charge to be utterly unfounded. Ireland did not rebel. The people of Ireland, generally speaking, did not yield to the temptations held out to them, at a period of great excitement. We were enabled to suppress the rebellion with such comparative ease—without the loss of a single man, either of military or police, because Ireland did not rebel, and because the people of Ireland, suffering, as they were, from severe calamity, and with the example before them of revolt in many other countries, did remain, generally speaking, faithful in their allegiance to the Crown. I state this for the purpose of attempting to propitiate this part of the united kingdom towards that unfortunate country. I speak, I own, almost overwhelmed by a sense of the calamity which Ireland has sustained—and of the fearful magnitude of the present crisis. My appeal to these more favoured portions of the empire is an appeal, not merely on the ground of justice—not merely on the ground of the natural sympathy which we ought to feel with the miseries and sufferings of our fellow-subjects. Those appeals to justice and natural sympathy would, I am confident, if separately urged, prevail with this country; but my appeal to Great Britain is upon another ground—upon the manifest consideration of her own true interest in attempting to mitigate the affliction under which Ireland is suffering, and to find a remedy for the dreadful evils which are in prospect. With the permission of the House, I will remind them of the situation in which we stand now in entering upon this discussion. I will remind them that, in the course of last year, we found it necessary to commence the Session with a Coercion Bill; and to conclude it with the Suspension of the Habeas Corpus Act. I gave my cordial support to Her Majesty's Government in the introduction of those measures. I believe those measures were forced upon them by a stern necessity—that all the evils of Ireland would have been aggravated if they had not been passed. I refer to the passing of them, not for the purpose of reflecting upon Her Majesty's Government, but for the purpose of reminding the House of the unhappy condition of that part of the united kingdom, and of impressing upon them the conviction that it is in vain for England to hope that by indifference or neglect she can relieve herself from the burden, if there be no remedy for Irish distress and disorder, which will press upon her with intense force. At the moment at which I am speaking, you have not less than 30,000 of the regular Army in Ireland; at the close of last year you had a force of 32,000 men. In addition to that military force, you have about 5,400 pensioners; and, in addition to these, you have a force of constabulary of 12,000 or 13,000 men, the expense of which is now borne not by Ireland—it is not a local charge upon Ireland—it is borne by the Imperial Treasury. The whole of the charge for that military force, therefore—the constabulary, the pensioners, the regular army, a force of not less than 47,000 men—is borne, not locally by Ireland, but by the Imperial Treasury. Whatever reduction you can make in the amount of that force by the improvement of the social condition of Ireland, is a pecuniary gain to this country, if, indeed, in regard to a question of this kind, any such consideration as that of mere pecuniary gain were worth adverting to. Now, with that amount of military force and with these coercive laws, what is the social condition of Ireland? I presume that the statement I have here—I read from a newspaper—is an accurate account of that which took place at the last assizes at Clonmel. It is stated—

"The assizes for one division only of the county of Tipperary, and that the most quiet one (the southern), commenced this day at 10 o'clock, before Judge Jackson; and your readers may judge of the disorganised state of the country when it is mentioned that there are no less than 279 persons for trial, and of these 18 are charged with arson, 4 with attacking a police barrack in arms, 3 with burglary, 4 with conspiracy to murder, and 42 with treasonable practices; 14 are charged with highway robbery, 21 with the awful crime of murder, and 14 with shooting at with intent to murder. The prison, which has only 225 cells, has in it no less than 668 persons, including 20 persons already under sentence of transportation. No wonder that Judge Jackson designated the calendar as one of the most awful he had ever known. I did not hear yet if the treasonable cases will be disposed of, but the murder cases are very heavy, and several men are to be put on trial for the brutal butchery of three bailiffs in one night, merely because they were keeping some corn distrained for poor-rates."

Have I not stated enough earnestly to recommend to the consideration of this portion of the empire the social condition of Ireland, to lead us to address ourselves to the state of Ireland in that spirit of forbearance and conciliation which the hon. and learned Gentleman so powerfully and justly recommended? The portion of Ireland within which the greatest distress prevails, which chiefly comprises those unions that are generally called "the distressed unions," because they require extrinsic aid, is included mainly in the provinces of Munster and Connaught. To those provinces I wish to add the county of Donegal, because, from its geographical position, it partakes more of the character of Connaught, and of parts of Munster, than of the province to which it is immediately attached. Now, the population of Munster in 1841, when the last census was taken, was 2,396,000; the population of Connaught amounted to 1,418,000; that of Donegal to nearly 300,000. The total population of that vast tract of country including the counties of Donegal and the district bounded by the sea, and by a line drawn from the town of Donegal to Waterford, exceeded 4,000,000 in 1841. So far, therefore, as numbers are concerned, their interests and their welfare must be objects of the deepest anxiety. Now, before I refer to the condition of Ireland as it exists at the present moment, influenced by recent causes, and mainly by the failure for four successive years of that species of food upon which the Irish people rely, I wish shortly to advert to her condition in years antecedently, when no such causes were in operation. I will revert to a period, not only before the influence of famine was felt, but a period—and I do it purposely—when Ireland was in full possession of that agricultural protection, the withdrawing of which the hon. and learned Gentleman seems to think has aggravated her condition. In the full possession of this protection, what was the condition of the labourer in Ireland? and what was the condition of landed property? Till very recently, when wheat was at 60*s.* the quarter, the duty upon the import of foreign corn was not less than 26*s.* per quarter—the duty on the import of other grain was in proportion. That duty was reduced in 1842; but at the period of which I am speaking, so far as protection conferred benefit on Ireland, the law in force between 1828 and 1842 was the law by which the agricultural state of Ireland was affected. Now, before the influence of famine was felt, and before extreme protection was removed, what was the condition of—I can hardly call them the labouring poor—rather the unemployed and destitute poor of Ireland? The report of Lord Devon's Commission is dated February 1, 1845. I wish to rely not upon observations of my own, but upon the testimony of men connected with Ireland—men of the highest character—men conversant with the social condition of Ireland. That Commission included the names of the Earl of Devon, Mr. Redington, Mr. Wynne, Mr. G. A. Hamilton, and Sir R. Ferguson; and it would be impossible to name gentlemen whose testimony is more entitled to consideration from their high character, and from their local knowledge. They observe, that although agricultural improvement was rapidly advancing—

> "We regret, however, to be obliged to add, in most parts of Ireland there seems to be by no means a corresponding advance in the condition and comforts of the labouring classes. A reference to the evidence of most of the witnesses will show that the agricultural labourer of Ireland continues to suffer the greatest privations and hardships; that he continues to depend upon casual and precarious employment for subsistence; that he is badly housed, badly fed, badly clothed, and badly paid for his labour."

In the second volume of a very useful digest of the evidence taken by the Commission, there is a reference to a remarkable document, which was prepared by those who made out the census in 1841. They divide the houses of Ireland into four different classes, the fourth class consisting of "mud-cabins, with only one room;" and thereby the proportion of the inhabited houses of Ireland being of that fourth class. Now, observe, this account could have no reference to anything posterior to the 1st of February, 1845. It is stated that "it may be assumed that the fourth-class houses are generally unfit for human habitation;" and yet, it would appear, taking the best circumstanced districts in this respect, in the county of Down, 24 7-10ths per cent, or about one-fourth of the population, lived in houses of this class, whilst in Kerry the proportion is 66 7-10ths, or about two-thirds of the whole; and taking the average of the entire population of Ireland, as given by the Census Commissioners, we find in the rural districts about 43 per cent of the families, and in the civic districts about 36, inhabiting houses of this fourth class. But I should wish particularly to take the proportion of such houses in the counties which principally include those distressed unions that are now depending for the support of a great number of the inhabitants upon the pecuniary relief you afford them. I find that in Donegal the houses of this class were 47 per cent of the whole number; in Leitrim, 47 per cent; in Roscommon, 47; in Sligo, 50; in Galway, 52; in Limerick, 55; in Cork, 56; in Clare, 56; in Mayo, 62; and in Kerry, 66. Such was the condition of the poorest class before Ireland was visited with that dreadful calamity, the first appearance of which was in the autumn of 1845. Now, what was the condition of Ireland with regard to landed property, and the tenure of landed property? There was laid upon the table of the House a short time since a return from the registrar's office of the Court of Chancery for certain years. I am now speaking of the position of the landed proprietors. I will not take the years 1845, 1846, or 1847, but I will go back to a time when there were heavy duties upon the import of foreign corn, and when Ireland was in the full enjoyment of whatever advantages protection of domestic produce could bestow. What was the condition of the landed proprietors, or at least of several estates in the nominal possession of landed proprietors? I will take the year 1844. The number of estates under the management of the Court of Chancery in that year was 874, their yearly rental being 748,000*l.*; the arrears, when the receivers were first appointed, were 34,500*l.*; when they had last accounted, the arrears had increased to 380,800*l.*; the law costs paid by the receivers were 17,340*l.* Out of that yearly rental of 748,000*l.*, what do you think was the sum annually expended in improvements upon the 874 estates?—2,572*l.*! With regard to estates under the management of the Court of Exchequer, I am obliged to take the aggregate of years 1844–45–46–47, because the returns for those years are given collectively, and not for separate years. The number of estates under the management of that court in those four years was 448, their yearly rental being 155,400*l.*; the arrears when the receivers were first appointed, were 61,700*l.*; when they had last accounted, the arrears were 171,800*l.*; the law costs paid by the receivers were 38,037*l.*; the amount expended in improvements was absolutely—nothing! At least, in the division appropriated to the statement of the amount expended in improvements, I find no return whatever; every other column is duly filled up, but there is a blank there. Now, are Gentlemen aware what is the condition of an estate managed by the Court of Chancery or the Court of Exchequer? ["Hear, hear!" *and a laugh.*] Do you know what the term "managed" means? I had—I can hardly call it good fortune—I had the misfortune to hear an account of the process of "management" from a most intelligent gentleman, given by him when a Member of this House, the late Mr. Guinness. He certainly spoke with authority, for he was himself a receiver under the Court of Chancery; but he was not influenced by any partiality to his employer to give testimony unduly favourable. Mr. Guinness was receiver under the court for an estate in Cork and Tipperary, the rental of which exceeded 2,000*l.* a year; it had been under his care for twenty-one years; it was partly in that county respecting which I have already given a melancholy detail of crime; in the course of the twenty-one years not one shilling had been expended to improve the condition of the tenantry. Mr. Guinness gave an account also of an estate in Mayo, of which he was the receiver. The rental was 4,500*l.* a year; the estate had been nine years under his management, and 168*l.* was all that had been expended to improve that estate. There was another estate in Westmeath, the annual rental of which was 10,600*l.* That estate had been ten years under his management; he had received from it more than 100,000*l.*, and out of that sum not 600*l.* had been expended in improvements during the whole period. But what effect did even that 600*l.* produce? Nothing had been expended till within the last three years, in each of which there had been 200*l.* laid out, and that paltry outlay enabled Mr. Guinness to recover 2,600*l.* of old arrears on the estate, 600*l.* in the first year, I think, and 1,000*l.* in each of the other two. I have referred to the state of things before 1844, for the purpose of suggesting this inquiry—whether such a condition of landed property can be of any benefit either to the owner, the encumbrancer, or the country? It was in this state of things in Ireland—in this state of things with regard to the great mass of her population, and with regard to the condition of much of landed property, that there supervened almost the greatest calamity which in the history of mankind ever visited a country—the failure in four successive years of that species of subsistence on which the great mass of the people of Ireland lived. What influence had that great calamity upon the condition of the people? The following appears to me a graphic and faithful description of the condition in which the first year of famine found the people in the west and south of Ireland:—

> "Clustered in villages, a plot of ground attached to their cabins, and a portion of a field hired by conacre for potatoes, as their means of living, in the best of times their existence was but a wretched one; and when the famine came, and the only root they had been accustomed to cultivate for food became a mass of rottenness, with no employment, no manufactures to fall back upon, they were left without subsistence and without resources, fit objects for the aid provided by the bounty of the empire, the charity of the benevolent, and the law now in force for the relief of the poor. Such form a numerous class of the recipients of relief."

That is a description of that portion of the poor who lived in villages. There was another class a little higher in the social scale, consisting of those who had small holdings of land, to the extent of three or four acres:—

> "Another class consists of those who had a small holding of land, two, three, or more acres, or who, with several others, had a small farm in joint tenancy (the rundale system), the allotments being checkered, a patch here and a patch there without a fence, a slight difference in level being made to distinguish the plots. Holding in common, so all their operations were in common; none tilled his land before his neighbour, and on certain fixed days the work of the seasons began. The tillage was of the rudest description; green crops were unknown; a crop of potatoes, then of oats, potatoes again, oats, perhaps barley, and often two or three grain crops in succession, was the course pursued, except near the towns. A cow or two and some pigs formed the stock; the potato produce fed the family, the grain paid the rent; the former was swept away by the blight, but aid by public works and the succeeding measures of relief enabled many of the poorest to struggle on for a time."

Now we come to 1848:—

> "Some of the potatoes which did not decay were hoarded for seed, and planted; the next failure was partial, the potatoes would grow again. Courage was acquired at the thought; and, in 1848, the most extraordinary efforts were made to put down a crop. Potato seed was sought for with avidity, and high prices paid for it. It was a last effort. In some cases the cow and every available article were sold to put a crop in the ground. Many staked their all on this cherished root, and lost—the blight came, and more withering ruin than before."

Such was the condition of a vast population. "They staked their all on the cultivation of the potato;" "the blight came, and more withering ruin than before." Now, what has been the influence of the successive failures of the potato that have taken place, combined with the operation of the poor-law, upon the landed property of Ireland? All the encumbrances existing in 1844 have been aggravated by the inability to pay rent, and also by the imposition of the poor-rate. The account of the condition of landed property in 1844 which I have read to you would but faintly depict the condition of that property at the present moment. Estates have sunk still more deeply under encumbrances caused by the arrears of rent, and also by the arrears of sums due for the support of the poor. What is the present condition of a great part of Ireland? In addition to the twenty-one unions so often referred to in this debate, there are at least ten more hovering on the brink of insolvency. The twenty-one unions, comprising an immense district and a great population, are in the financial condition which I shall presently describe: in eighteen of the twenty-one you have been obliged to supersede the local authorities. Their affairs are now administered not by the natural local functionaries interested in payment of the rate, and in checking abuse in the expenditure, but by vice-guardians, who, I believe, are discharging their duties most zealously and most faithfully. In the twenty-one unions, the aggregate expenditure for the year ending the 29th of September, 1848, was 468,101*l.*; the net amount of debt on that day not provided for was 123,985*l.*; there being, therefore, for that year, including the expenditure and the outstanding debts, a sum of 592,000*l.* to be levied for the relief of the poor. How was that demand to be met? Was it possible to meet it by their own unaided efforts? I believe not;

and you wisely contributed to meet it. Wisely, I say, because whatever might be the objection to such a course in principle, it was better rather than suffer any portion of the Queen's subjects to starve, that they should be saved by an advance, partly from private benevolence, and, when that was exhausted, from the public Treasury. The rate collected was only 199,000*l.* The amount supplied by the British Association and by the Treasury was 256,800*l.* The funds of the British Association are, I apprehend, by this time expended. You have not now that source to rely upon, whatever be the demand; for by extrinsic aid the Treasury is the only source from which that aid can come. Such is the general condition of the twenty-one unions. Allow me to refer to the state of one or two of them in detail. Take the Castlebar union. The population of this union is 61,000, and the maximum of persons who received relief in 1847 was 46,600. Here is an account of the condition of that union:—

> "Successive years of famine have told fearfully on the circumstances of all classes. Amongst the highest rated immediate lessors are the names of no less than nine proprietors whose estates are under the supervision of the Court of Chancery, and managed by receivers. The encumbrances and improvidence, perhaps, of former years, accumulating upon the difficulties of the last three seasons, appear to have rendered extrication hopeless in these cases."

Take next the Clifden union. That union presents the extraordinary fact, that whilst the net annual value of the land is 19,986*l.*, there has been land thrown up to the landlords to the net value of 9,448*l.*, and by occupiers, without any means whatever, to the net value of 1,673*l.*; the total value of land thus thrown up being no less than 11,121*l.* a year; three-fifths of the whole net value of the union thrown up in consequence of inability to meet the demands for poor-rate, and of unwillingness to incur future charges. A memorial to Her Majesty has recently been presented from the grand jury of the county of Cork, in which it is said—

> "The grand jury should not conceal from the Government their solemn conviction that the county is not able to pay this money; that this inability is attested by the fact that there are in this county thousands of acres of land thrown out of cultivation, and wholly waste at this moment; that two of their baronial rate collectors threw up their appointments at last assizes, and that one barony, containing 89,986 acres, is without a collector from that time to the present, it being impossible to get any one to undertake the collection, the entire barony being alleged to be waste."

Now, if these statements be true, what are our prospects for the future? Observe what is the new condition of solvent landed property with reference to insolvent since the passing of the poor-law. Previous to the passing of the poor-law, each property, whether solvent or insolvent, stood alone. The insolvent property, however neglected and mismanaged, did not immediately affect the solvent estates in its neighbourhood. It did in its consequences visit them indirectly through the contagion of mismanagement and misfortune; but no immediate direct pecuniary burden was thereby imposed. Now, however, under the poor-law, the solvent estate becomes responsible for the default of the insolvent estate. I am speaking to Englishmen who are not so familiar with the details of this question as the Irish Gentlemen, to whom I am obliged for the patience with which they listen to statements which to them have nothing of novelty; and I ask those who are connected with this part of the empire what they think of the coming future? Is it true, that in one barony they are unable to appoint a collector because the lands are waste? Is it true that of land to the annual value of 19,986*l.* in one union, an amount to the extent of 11,000*l.* has been thrown up? Is it true that there are in another union nine large properties "managed" by the Court of Chancery, in the condition which I have described to you, on the authority of Mr. Guinness? Why, if these statements are true, the blight of insolvency will go on extending till all the solvent estates are merged in one common ruin. Then what is the position of the poor? Every acre of land thrown out of cultivation is doubly aggravating the evil. It is diminishing the means of future subsistence, and curtailing the means of employment. What will be the position of that barony of the county of Cork, which has 80,000 acres lying waste? You may no doubt have an abundant potato harvest in 1849. If you have, there will be an improvident reliance placed on it, and the spring of 1850 will exhibit a more determined effort to perpetuate the cultivation of that root. Every expense that can be spared will be avoided for the purpose of collecting seed and providing subsistence from the potato for 1851. In this way you may go on for a time; but after the warnings we have had for four successive years, can we have any reliance that the potato will afford anything beyond a temporary relief? My belief is, that it will only perpetuate the vicious system so long followed. It may possibly for a time diminish the demands on the Treasury; but I doubt if anything but future evil will be the result of a prosperous potato harvest in 1849. The truth is, we are now deliberating and acting on one of the most extraordinary crises in the history of a nation. It is absolutely necessary to consider—we shall be forced to consider—what is to be done in regard to a not distant future, unless we make up our minds to travel over again the vicious circle in which we have so long moved—unless we are prepared to trust to the potato, instead of endeavouring to bring about the gradual introduction of cereal crops as a substitute. You are now feeding thousands and tens of thousands in Ireland—I know not the exact number. You bewail the loss of protection; but you are enabled to feed them, because you have removed every impediment to the introduction of food. If that law, which in 1846 I was enabled to repeal—if even the law of diminished protection of 1842 had been now in operation, there would have been a duty of 10*s.* a quarter on the introduction of Indian meal. That Indian meal is the substitute for the potato, by which you are now enabled to keep body and soul together, at an expense to the Imperial Treasury of 1*d.* a day for each man. [The CHANCELLOR of the EXCHEQUER: Hardly so much.] The great problem you have to solve is this, by what means will you provide for the substitution of a higher and more certain description of food than the potato you have hitherto relied upon? What course will you take during the long interval that must elapse before cereal substitutes can be introduced? The quantity of land that will produce potatoes sufficient to support a certain number of persons, will not support half the number if sown with grain. Greater care will be required for grain in the cultivation of the land, exhausted as it is by potato culture, and in its present state unfit for the substitution of cereal crops. If you are to substitute a cereal crop for the potato, no person holding a farm under five acres can support his family by mere agricultural labour. I see in these papers the mention of a single estate—and the case is not a rare one—on which there are 180 tenants occupying land of not more than five acres. They have grown corn enough to pay the rent, and the family has lived upon the potato; but they can do that no more. What is to be the future lot of these 180 families? They, remember, are not the most destitute. Their lot hitherto has not been that of helpless poverty. Can we resist the conclusion, that some decisive effort must be made to prevent continued reliance on such precarious food as the potato; and yet that in making that effort, we are purchasing future security—by a great increase of present suffering. To mitigate that suffering—to lay the foundation for a better state of things—measures of no common place and ordinary character are requisite. In the carrying out of these measures, Great Britain must unite with Ireland; and, as I have before observed, one of my chief reasons for voting for this rate in aid, or rather for sanctioning the principle of separate exertion on the part of Ireland, was the belief that other parts of the empire would more readily undertake their share of the inevitable future burden. It depends on the course we now take, whether that burden shall be an unprofitable one—promising no other return than the mere consolation of having rescued a given number of the destitute from absolute starvation, or whether made conducive to the introduction of a better state of things. If I offer any suggestion for the attainment of that latter object, the last thought that will enter my mind will be a wish to cause embarrassment to the Government in any attempt they may make to solve the problem before them. Something surely may be done, some decisive course taken, for the purpose of dealing with those distressed unions. The hon. and learned Gentleman (Mr. Napier) misunderstood me, if he thought that I said a mere substitution of one proprietary for another would solve the difficulty. I had no such intention. The hon. and learned Gentleman did not hear the account I have been giving of the management of landed property in Ireland. If he had, he would have been convinced that it is my opinion that the condition of landed property there, especially that placed in the Court of Chancery and the Court of Exchequer, is such as to demand some vigorous efforts to relieve landed proprietors, whether new or old, from the liability to any such evil as the management of their estates by courts of equity. I feel as much convinced as any man, that no single measure will be sufficient for the purpose of redeeming Ireland;

but some immediate course with regard to the superintendence and management of those districts of Ireland which are most distressed, is, I think, imperatively required. In the greater part of those unions, you have already superseded the natural local authorities in the duty of superintendence. Eighteen of these unions are already governed by vice-guardians. I suggested, the other evening, the appointment of a Commission for undertaking the general charge and superintendence of the affairs of those unions. Subsequent reflection has induced me to think that that is the best course you can now pursue. I would attempt to bring the affairs of all these unions under one general controlling authority. I would have a Commission appointed by the Government—having the confidence of the Government—composed of men on whom they can rely—and deriving their authority from the Government; being no *imperium in imperio*, but acting in concert with the Government. It should be their province to apply themselves, without delay, to the condition of these unions. That Commission should discharge its duties on the spot. There would be the greatest advantage if you could, as I have no doubt you could, prevail on men of high character and great experience of the management of estates in England, who are politically connected with you, and in whom both you and the country would have confidence—to devote themselves to the consideration and to the discharge of the duties that would necessarily belong to a department of that nature. If they went to Limerick and saw the state of things with their own eyes, entered into personal communication with parties on the spot, judged for themselves, and not through the intervention of others, they would be able to submit to the Government measures which I have no doubt would be well deserving of your consideration. I would place under the charge of that Commission all the various measures which have been suggested for the mitigation of this great calamity, in order that they might enforce some combined and concerted system. You have grants of several descriptions placed under the control of the Board of Works. There are grants for fisheries, for the improvement of the land by draining, and for the execution of public works. It appears to me that the application of those grants in these distressed unions should be made upon some system; that there should be entire concert between the Commission which I suggest, and the vice-guardians and the Board of Works—not that the Commission should supersede the Board of Works, but that the application of the grants to these different districts should be made with a view to one great object—namely, the laying of a foundation for a better state of things. The hon. and learned Gentleman is wrong in supposing that the only measure contemplated by the Government with which I acted in the early part of the year 1846, was the importation of food. In 1846 we proposed, and the Government that succeeded us were enabled to pass into law, a Bill to authorise the advance of public money to promote the improvement of land in Great Britain and Ireland by the application of drainage. No less a sum than 2,000,000*l.* was granted for Great Britain, and 1,000,000*l.* to Ireland, for that purpose. It appears to me that this Commission should also take into consideration the policy of diminishing the pressure of distress by means of emigration. We have the greatest colonial empire on the face of the earth. In several of our colonies there is a great demand for labour. In Ireland, on the other hand, there is an excess and a superfluity of labour, continually counteracting all your exertions for her improvement. Might you not by some well-conceived measures mitigate this evil by emigration? I place less confidence, I own, in the efficacy of this course, than many. I am quite aware of the enormous expense attending it, and of the necessity of great caution in the application of such a remedy. There is, however, one answer constantly made to any proposition of this kind, which I do not consider to be entitled to all the weight that is generally given to it. It is said—"Do not call in the agency of the State in this matter; consider there is a vast amount of voluntary emigration, and beware lest, by encouraging emigration on the part of the State, you interfere with this voluntary emigration." I should certainly be unwilling to interfere with voluntary undertakings, at the expense and under the direction of those proprietors who feel an interest in them, and who try to relieve their estates by engaging in them. But, at the same time, before we admit the conclusive force of the argument drawn from this tendency to voluntary emigration, let us inquire who are the voluntary emigrants. Many of them are men who are taking capital away, suffering under the apprehension that the increase of the poor-rates will involve them in the common calamity under which the insolvent unions are suffering. Now, every man that you lose from Ireland, who takes away more capital than he does paupers whom that capital would employ, is a dead loss to that country. The comfortable farmer, fearing the growing burden of this poor-law, who is possessed of 40*l.* or 50*l.* capital—who sells his tenant-right holding in the north, and transfers his capital to the United States or to Canada, confers no benefit on Ireland by emigration, but he is withdrawing capital which might be usefully employed in his own country. There is another class of voluntary emigrants in whose expatriation we have no right to rejoice—all that class of helpless paupers who go out in a state of weakness and disease, the consequence of starvation at home, and who inflict a positive evil on the colonies. I believe you have in many respects remedied some of the great evils attending the emigration of that class—that many useful precautions have been adopted in respect to the means of preserving health, of securing well-built and safe passage-ships. More particularly have you done this within the last year. But a more painful account of this voluntary emigration cannot be given than that which I find in a letter of no later date than the 30th of November, 1847, bearing the signature of Mr. de Vere, which letter has been adopted as a public document by the Colonial Office. This is the account which Mr. de Vere gives of the voluntary emigration of the destitute. In no records of the sufferings on board a slave-ship is there anything to be found much more distressing. Mr. de Vere took his passage in the steerage of an emigrant ship, in order that he might become acquainted with the condition of the emigrants, and he remained on board nearly two months. He says—

> "Before the emigrant has been a week at sea, he is an altered man. How can it be otherwise? Hundreds of poor people, men, women, and children, of all ages, from the drivelling idiot of 90 to the babe just born, huddled together without light, without air, wallowing in filth, and breathing a fetid atmosphere, sick in body, dispirited in heart, the fevered patients lying between the sound, in sleeping places so narrow as almost to deny them the power of indulging, by a change of position, the natural restlessness of the disease; by their agonised ravings disturbing those around, and predisposing them, through the effects of the imagination, to imbibe the contagion; living without food or medicine, except as administered by the hand of casual charity, dying without the voice of spiritual consolation, and buried in the deep without the rites of the Church. The food is generally ill-selected, and seldom sufficiently cooked, in consequence of the insufficiency and bad construction of the cooking places. The supply of water, hardly enough for cooking and drinking, does not allow washing. In many ships the filthy beds, teeming with all abominations, are never required to be brought on deck and aired; the narrow space between the sleeping berths and the piles of boxes is never washed or scraped, but breathes up a damp and fetid stench, until the day before arrival at quarantine, when all hands are required to 'scrub up,' and put on a fair face for the doctor and Government inspector. No moral restraint is attempted, the voice of prayer is never heard; drunkenness, with its consequent train of ruffianly debasement, is not discouraged, because it is profitable to the captain who traffics in the grog."

Such was the account, so lately as the close of 1847 of voluntary pauper emigration! Such a system of emigration is a positive disgrace to this country, with its great colonial empire, and great colonial resources for the people. Though the removal of such a class of emigrants may bear apparent immediate advantage to the proprietors of the estates from which they are sent, yet those who send out such persons do the greatest disservice to Ireland, because on the arrival of the wretched emigrants in the United States, or Canada, they so disgust the people of those countries that they are induced to throw impediments in the way of emigration, and thus is prevented that sound and healthy emigration which might otherwise take place. Therefore, from the advantages of that voluntary emigration which you wish to encourage, you must deduct the removal of those who carry with them capital more than sufficient to support the persons they take with them; you must also deduct all those voluntary emigrants that do nothing but bring disgrace upon your system of emigration. Without, therefore, entertaining too sanguine expectations from emigration conducted by the Government, I cannot but think that having a superintending local authority acting in concert with the Government, conferring personally with the proprietors of estates, capable of seeing in what part of the country there is, if I may so say, a congestion of the population—for from those parts your emigrants ought to be drawn—I cannot, I say, help thinking that by such means you might greatly facilitate wholesome voluntary emigration. There is a great impediment to such emigration from the want of full information on the part of the people who emigrate. Just consider a poor man leaving Ireland, and seeking a new abode 2,000 or 3,000 miles from home—what comfort could we not give him by imparting to him a little information as to the country to which he is going, and perhaps by giving him some slight pecuniary aid besides? Yes, I would not deny him Government aid. I think it would be politic to incur some expense for the purpose of facilitating emigration, under certain conditions. You tell us what has been done in Ireland by the noble Lord the Secretary of State for Foreign Affairs, and by other benevolent and provident landlords. You tell us that they have reduced the amount of the poor-rates on their estates by a well-regulated system of emigration, that they have thereby increased the demand for labour, and have restored prosperity and content among the people on those estates. You tell us, moreover, that large sums have been remitted from the United States and Canada by those who have emigrated, for the purpose of promoting emigration on the part of their friends and relations in Ireland. Well, Lord Palmerston might be able to do this; and, notwithstanding any difference of political opinion, I most willingly admit that the exertions which that noble Lord has made to relieve his property from the misery with which it has been visited, do him very great credit. But how many gentlemen may there be in Ireland willing to make the same exertions, who, if they had assistance and advice, would gladly follow the noble Lord's course! By giving that assistance and advice, you might increase this voluntary emigration, and encourage further remittances from emigrants in the United States and Canada to their friends in Ireland. This is the emigration without alloy—which might, as it appears to me, be facilitated and encouraged by such a Commission as that to which I have referred. I come now to another point to which I adverted the other evening, and in regard to which I still entertain a very strong feeling. In my opinion all these measures will be ineffectual—all your measures of drainage, of local improvement, of increase of fisheries, of emigration—all will be ineffectual, unless you can cure in some way or other those monstrous evils which arise out of that condition of landed property to which I adverted the other night. If estates with a rental of 800,000*l.*, with arrears annually accumulating, are not to allow more than 2,000*l.* to be applied to the permanent improvement of the land—if there are certain principles and forms of equity sanctioned by the Court of Chancery which throw obstacles in the way of any improvement in that respect, you may feel assured that all your other exertions will be ineffectual. It would be an inestimable advantage to every insolvent nominal owner, and to every incumbrancer who is receiving nothing—it would, in short, be an advantage to everybody except the receivers under the Court of Chancery, and the lawyers who are dividing the proceeds of these estates amongst themselves—if by some process, consistent with the principles not of technical but of real substantial equity, you could relieve those estates from the control of the Court of Chancery, and permit them to be possessed by men of capital who would embark in their cultivation with new hopes and fresh vigour. In my opinion you would do more by that act for the ultimate advancement of Ireland, than by any other that can at present be adopted. I will just contrast with the hopeless condition of some parts of Ireland—hopeless on account of the extent of encumbrances, arrears, and legal complications of all sorts—the case of a very small property, an account of which I have before me in a letter which I will read to the House. It is a letter from a very humble man, giving an account of what he has done in Ireland, although having no connexions in that country, undertaking a settlement in a remote part of Ireland, and bringing capital enough for the cultivation of the land. It is written in a simple style; but it will enable you to judge what may be effected, if you will devise measures to enable persons to follow, safely and securely, the cultivation of land in Ireland. The letter is from a Lancashire man. It is dated the 23rd of March, and gives an account of an undertaking to which he had been a party on the west coast of Ireland. "He had taken on perpetuity a lease on the west coast of Ireland." ["Hear, hear!"] Well, I am recommending that you should give facilities to those who have capital to obtain a permanent interest in the land. He says—

> "He had taken on perpetuity a lease on the west coast of Ireland. He had planted four of his sons there. To encourage habits of industry, one is buying all the stockings brought to him to send to England; another has purchased a hooker of 25 tons, and is endeavouring to encourage fishing on the coast; another was employing upwards of 100 labourers daily last year, but on account of being heavily taxed for his improvements, turned

them off with the exception of ten or twelve. Inclosed in his letter to me is one received by him from his fourth son, dated the 16th of March, 1849."

This is the account which the son gives of his proceedings in this adventure in a part of Ireland which we suppose to be so wild and savage, that it is impossible to live in it with any profit or advantage. The son says—

> "The more I see, the more am I convinced that this country has the best prospects of any place I know of. There is every desideratum for the enjoyment of a contented and prosperous life."

He is writing this in the midst of all the misery of surrounding properties:—

> "I see no reason why persons should not support themselves entirely upon the produce of their land here. Of beef, mutton, pork, an almost inexhaustible supply can always be had. Flour, oatmeal, &c., should all come from off the farm. A chandler's bill should never be known, for we have already manufactured more than a winter month's supply from the slender means we had. In fact, I think that rent, groceries, with some extras for clothing, &c., should be the only expenditure of a person in this country, when once properly settled. For the yearly sum of 5*l.* enough fuel may be obtained, even to superfluity; and, as for vegetables, any plant that comes under that denomination will flourish here with ordinary care."

Now, contrast this man's management with that of the estate yielding 10,500*l.*, and which, out of 100,000*l.* received, had allowed only 600*l.* towards its permanent improvement; and then I ask which is the best means of increasing agricultural prosperity? I suggested the purchase and the management of property to a certain extent by the Commission to which I have alluded. Now, no man has less confidence than I have in the economy of such an undertaking on the part of a Government. So far from advising this Commission to enter upon the employment of unprofitable labour, I think it ought to have for its main object the reverting to the principle of the Bill of 1838, which makes the workhouse the sole test of destitution in Ireland. I cannot believe that there can be any other effectual test. I have not the slightest confidence in a labour rate or any such projects. I certainly concur in the policy of encouraging local improvement where there is reproductive labour; but I have not the least confidence in making labour the test of destitution; and I believe that if all the funds of Great Britain were applied to support the destitute in Ireland, attaching labour as a condition of relief, you would do the greatest mischief to Ireland; that your test would not be effective, but that there would be such an interference with the ordinary labour market as to involve all in one common state of destitution. But the crisis is an extraordinary one. If we desire to take any valid security against the recurrence of similar misfortunes, we must solve this great problem—by what means can we substitute for the precarious supply of food on which millions have hitherto relied, the means of subsistence more certain, more capable of preservation from year to year? And seeing what difficulties you have to encounter in effecting the substitution of a cereal crop for the potato crop, I should not be adverse to an attempt on the part of Government to show what might be done by an improved method of agriculture. I am told that the Lord Lieutenant has done great good by encouraging the delivery of agricultural lectures. Why not do this on a greater scale? But to revert to the practical example of an improved system of management. There are in one union 4,000 ablebodied paupers receiving gratuitous support. If I had 4,000 ablebodied men whom I must feed, and if I could employ them to open a road to an inaccessible part of the country, I think it would be better than to make them break stones, or let them do nothing. I admit, most distinctly, that there is no test you can rely upon except the workhouse test; but I am assuming that you must give temporary support to the ablebodied; and while that absolute necessity exists, I do not see the objection to the employment of those whom you must feed in reproductive labour. Some Gentlemen ridicule the idea of managing estates by a Government Commission. But what did you do in the case of the forfeited estates after the rebellion of 1745? You appointed a Commission for their management. It was a very cumbrous Commission. The members consisted of a different class of persons from that which I would recommend to be employed for the management of estates in Ireland. But the principle of that Act was a wise one. Those estates were subject to heavy incumbrances. It was not a case of a simple forfeiture of estates, and the Crown taking unincumbered possession. The estates were subject to heavy mortgages and other charges. The trustees were directed to pay off the mortgages and the other burdens, and were instructed to manage the estates with a view to their improvement. The Act under which this was done is the

25th of George II., chap. 41 (1752), and is entitled—

> "An Act for annexing certain forfeited estates to the Crown inalienably, and for making satisfaction to the lawful creditors thereupon, and to establish a method of managing the same, and applying the rents and profits thereof to the better civilising and improving the Highlands of Scotland, and preventing disorders there for the future."

That Act provided, first, for the satisfaction of the creditors, so far only as the value of such lands. It next empowered the Commissioners to grant leases, and, where estates comprehended whole parishes, to divide the same into more parishes, and grant competent provision to the new ministers. It also authorised them to erect schools on the said estates for instructing young persons in reading and writing, and in the several branches of agriculture and manufacture, and to supply schools with the materials for agriculture and manufactures, and for the raising of flax. Now, why should not schools be established in the west of Ireland for the purpose of instructing the youth in agriculture? Why should not encouragement be given to the raising of flax in Connaught? Why despair of the ability of Government, by direct intervention on a limited scale, to set the example of improved culture, and introduce new demands for labour?

But there is another question, quite separate from that of the acquisition and management of property by the Commission—namely, this—Can such a Commission be instrumental in promoting the transfer of property from one class of proprietors to another? I would advise no rash proceeding in this respect. I see no advantage in throwing into the market an immense quantity of property simultaneously, and thus unduly depressing its value. I would, therefore, advise the recourse to no such proceeding. But the question is, whether such a Commission might not facilitate the voluntary transfer of property. Last year you admitted the principle. You passed an Act for the purpose of promoting the transfer of encumbered estates. By that Act you gave power to the owners of such estates to sell—you gave power to a single encumbrancer to sell, with the consent of the Court of Chancery—you admitted the advantage of such a system as I am now advocating; but what I greatly fear is, that the mechanism of your Act was so cumbrous that it will not be able to effect your design. Since you have decided, then, upon the principle that the retention of many of those estates is of no advantage to the owners—that they are of no advantage to the encumbrancers—that they are a positive evil with respect to the solvent proprietors in their neighbourhood—that they are eminently prejudicial to the public interest—what I now recommend you to consider is, whether you ought not still further to facilitate the voluntary transfer of encumbered estates. I am convinced that if you rely upon the cumbrous process of the Court of Chancery, you will not give effect to your own design. I know that I am rendering myself liable to the charge of disregarding the established rights of property. I know that it may be said that unprofessional men, in their attempts to secure the advantages of the introduction of new capital, are apt to overlook the rightful claims of vested interests. But I confine myself within the limits sanctioned by the highest equity lawyers. I am speaking now, not of details, but of the principle. It was said by the present Lord Chancellor (Lord Cottenham)—and no judge that ever sat in the Court of Chancery is of higher authority in matters relating to the principles of equity—it was said by the Lord Chancellor, with respect to the principle of facilitating the transfer of Irish estates—

> "Unfortunately for Ireland, the landed property there, to a large extent, was in a situation not only detrimental to those who had an interest in the land, but also most injurious to the community at large. A very large portion of it was heavily encumbered by mortgages, charges, and other interests; so that the ostensible owner could hardly be said to have any estate in the land at all. When a man was really the owner of an estate, he had both the means and the motive for improving it; but it was impossible for a landlord whose income arising from his landed estate was intercepted by mortgages and other charges, to discharge those duties which a landlord should discharge. This was a most infamous state of things."

Another Lord Chancellor—an Irish Lord Chancellor (Lord Campbell)—speaking of the tenure of Irish property, said—

> "Titles in Ireland were in a most deplorable condition. In Ireland the registers were exceedingly bad; and instead of clearing up titles, and making them more certain, often involved them in inextricable confusion."

Lord Langdale, Master of the Rolls, said—

> "The interference in such a case as the present is of the same sort and character as all the other legislative interferences with private property for public purposes; and because this interference is intended to secure the payment of debts, or the performance of private obligation, which

> would not otherwise be performed, it is not more, but somewhat less, objectionable than the interference with private property and contract which is authorised by Acts for railways, docks, or other public works."

Now, the principle which those high legal authorities contend for is, that you may, without violation of equity, require that property, useless to its nominal proprietor, shall be transferred to those who can discharge the obligations which the possession of property implies. You attempted to facilitate the sale of encumbered estates in Ireland, as I have said, last Session; but I very much fear that the Bill then passed will not be effectual; and my fears are confirmed by what was stated at the time by the Master of the Rolls, who thus prophesied with respect to the Bill:—

> "I entertain considerable doubt whether the cautious provisions provided by the Commons to prevent sales for less than their value, are not only more than are necessary to effect their object, but so stringent as to impair the efficiency of the additional process which the amendments are intended to provide. Considering the caveats, the notices (sometimes difficult, if not impossible, to serve), the valuations, the five years to elapse before a perfect and unimpeachable title can be obtained, the liabilities as for breaches of trust, and the powers given to redeem, it is manifest that the obstacles to sales under these provisions are very great. Perhaps they may, in their application, be found so great—in many cases where there is considerable complication—as to make the additional process impracticable, and to leave to him who desires to have the benefit of the Act that particular mode of obtaining it which was at first provided by your Lordships."

What is that benefit? Alas, to go into the Court of Chancery! You substituted a principle which you thought more simple, but which Lord Langdale prophesied would be so cumbrous that it would not work, and would drive the unfortunate persons who desired to have the benefit of the Act to the mode originally contemplated for securing it—a suit in Chancery. Well, it is not for me to speak irreverently of that benefit. I would not say a word inconsistent with respect for the Court of Chancery; but when the Master of the Rolls says that he fears the new process will be ineffectual, and that parties must in the end resort to the benefit originally contemplated, I may be allowed at least to refer to the present Lord Chancellor for an account of the benefit which is likely to be derived from resort to the court over which he presides. This, then, is the Lord Chancellor's account of it:—

> "He had been himself familiar with the practice of the Court of Chancery for many years past, and he well knew the great benefits which it conferred upon the public; but at the same time he would own that he would not willingly enter that court as a suitor, nor would he advise any of his friends to do so, if they could, with propriety, keep out of it."

The Lord Chancellor, it appears, is quite willing to enter the Court of Chancery as Lord Chancellor; he is quite aware of the inestimable benefit which the court confers upon the public; but it is his settled resolution never, if he can help it, to enter the court as a suitor—it is his earnest advice to his bosom friends to keep out of the court, if they have any decent pretext for doing so.

I was afraid that the hon. and learned Gentleman (Mr. Napier), with his legal acuteness, was going to throw some difficulties in the way of my proposed facilities for the transfer of land. But I was happy to find that he spoke like a statesman rather than a lawyer, and admitted that great benefit would accrue from increased facilities for such transfer. I know it would be easy for any lawyer to get up and demonstrate the impossibility, according to the established rules of proceeding, to afford any relief. I could not stand before them for a single instant on the ground of precedent of equity practice. But if you admit the principle that it would be for the benefit of all parties that there should be some simple process of facilitating the transfer of estates in a hopeless state of incumbrance, why be deterred by legal difficulties and the chicaneries of a Court of Chancery from effecting this great object? In the case of the Land Improvement Act, you were not afraid of the Court of Chancery. That is one of the best and simplest Acts I ever read. I am only astonished how it ever passed through the House of Lords—I mean that fatal objections were not urged to the summary process which it provides. By that Act (the 10th and 11th of Victoria, c. 32) the Treasury was enabled to advance money for the improvement of an estate, and to fix a rent-charge upon the estate for the repayment of the same. If such rent-charge were in arrear for the space of two years, the Paymaster of Civil Services might apply for an order for the sale of all or a competent part of the lands so charged; and the Court of Chancery was authorised to direct the Paymaster of Civil Services, without any further process, writ, or other proceeding, to raise by sale the amount of rent-charge due at the time of sale, and to pay the surplus to the owner, or to the Accountant General of the Court of Chancery, for the benefit of parties interested. It was provided that the purchaser should not be bound to see to the application of the money; and that any conveyance executed by the Paymaster should be binding and conclusive, and convey all estate, right, and title. That is the way to solve a difficulty, when you have made up your mind to solve it. Why can't you apply the same rule to the arrears of poor-rate? The noble Lord opposite (Lord J. Russell) seems inclined to propose that the arrears of poor-rate on defaulting estates should be remitted. I hope he will not remit them. I do not see, if there have been arrears for the poor-rate for a certain time upon the estate, why the estate should not be liable to those arrears—why power should not be given to commissioners to sell such portion of the estate as would cover the arrears, and at the same time to give the purchaser a clear simple title against all the world. By the present law the poor-rate is a prior lien on the land, and consequently you have a perfect right to require that the arrears of the rate shall not be permitted to accumulate indefinitely, but shall be provided for by the sale of a competent portion of the land on the estate. If you consent to take the course which I earnestly recommend—if you invite new capitalists to undertake the cultivation of the land—do not permit the transfer of estates from one insolvent proprietor to another: if you do you will do no good; but enable small proprietors to follow the example of the Lancashire man I mentioned—to cultivate their own vegetables—to live upon the produce of their farms, and to write home to their friends that there is no country in the world which has better prospects than Connaught. I cannot doubt that such a Commission as I suggest would facilitate the amicable transfer of land—would bring parties together, and convince the present owners and creditors that there was no advantage to them in maintaining the present state of things. I believe that those who have land to dispose of would find not only individuals, but companies, in this metropolis, disposed to follow the example of the great companies of London in the time of James I.—disposed to do so not merely from the hope of gain, but from the desire to co-operate in the improvement of Ireland. But one thing is essential — a clear indisputable title to the property. These are my suggestions—to seek the relief of the present distress by encouraging draining and improvement of the land, by opening up roads through inaccessible districts—by erecting piers for the accommodation of the fisheries—by promoting emigration, without interfering with voluntary emigration—above all, by facilitating the transfer of property from insolvent to solvent proprietors, and by abandoning the present injurious system of giving gratuitous relief, whether in exchange for labour or not, and reverting gradually to the wiser principle of the Act of 1838, of applying the only effectual test—the workhouse test—as a proof of destitution. I make these suggestions, particularly as regards the transfer of property, with the utmost hesitation—being an unprofessional man. I am deeply sensible of the necessity of a remedy, and of the difficulty of providing it; but, if you are as convinced of the evil as I am, then, I trust, that you, who have the command of the best advice, will not be deterred from applying a remedy by any legal technical difficulties. I at once say that, rather than the present state of things should continue, I would see the jurisdiction of the Court of Chancery ousted altogether. In many preceding cases, when great difficulties were to be solved, when there was an urgent necessity for despatch, you have appointed a special tribunal of men of high legal authority to decide according to the principles of equity, without being trammelled by technical rules and precedents. I trust we should be aided by such men as the hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier), and the hon. and learned Member for Newark (Mr. Stuart), who foresaw the difficulties of the Bill of last Session. I trust they would aid us in reconciling a summary mode of proceeding with the principles of equity.

Reject this proposal if you will, but propose some other. If you can propose a better, there is no man in this House who would give it a more cordial support than I shall. I make this proposal without adventitious party aid. I know not who agrees with or who differs from me. I make it solely under the influence of sympathy for an unfortunate country, and with the conviction that some decisive measure is necessary for the relief, not only of Ireland, but of this country. Let us remember that it is impossible to free ourselves from the connexion with Ireland. I have mentioned the expense of maintaining a military force of nearly 50,000 men. I have mentioned the miserable condition of

Ireland, as shown by the events of the last Tipperary assizes. Only think in what manner the destitute of Ireland affect the condition of the labouring classes here by that immigration into this country which you can neither prevent nor control. There may be difficulties with respect to emigration to other countries, but just consider how the labouring poor here are affected by the sweepings of Ireland being poured into this country. If you could direct a useful emigration to other countries, it would immediately benefit not only Ireland but England and Scotland also. Such an incursion of poverty into this country has a tendency to reduce your population to a condition not much superior to that of those who are so added to its numbers. Recollect the position of that part of the empire to which I refer. I speak of its geographical position. Recollect that while, on the one hand, it may be the source of your strength, it may, on the other hand, be the source of great peril and weakness, in the event of war, and the hostile combinations of powerful States against this country. That great man to whose authority I referred, who offered his advice to James I. with respect to the plantation of Ulster, thus speaks of the effects which he anticipated from that measure :—

> "The third consequence is the great safety that is likely to grow to your Majesty's estate in general by this Act; a discomfiting all hostile attempts of foreigners—which the weakness of that kingdom hath heretofore invited."

It is now above 250 years since that observation was made. The population of those great provinces, Munster and Connaught, now consists of 4,000,000 of people. Of those, 95 parts out of the 100 are Roman Catholic. Loyal subjects, I think, they have proved themselves, during the temptations to rebellion which were held out to them by men of property and influence, during a period when the severest distress at home was combined with universal excitement and successful revolt in many foreign countries. Still between you and them there exist no great natural sympathies: that connecting link which was supplied by the possession of property in the hands of great landed proprietors, is greatly weakened by the desolation which now prevails, by the condition of these landed proprietors, in consequence of the operation of the poor-law and of four successive years of famine. Lord Bacon, speaking in the reign of James I., observed, that the weakness of that kingdom has hitherto invited the hostile attempts of foreigners. We have had the happiness to be exempted from the miseries which other countries of Europe had undergone from actual invasion. But recollect that during the last century, on three different occasions, since the year 1759, the attempts of France have been directed towards that very part of the united kingdom to the social improvement of which I am attaching so much importance. In 1759 an invasion of the west coast of Ireland, by a very formidable armament, was only defeated by the destruction of the French fleet under the command of M. de Conflans by Sir Edward Hawke. In 1796 a great effort was made by France to invade that part of Ireland in which one of the most distressed unions is situated. The descent on Bantry Bay was defeated by storms which dispersed the fleet of France. Again, in 1798, on the shores of another of those unions a landing was effected. The first town seized by the French after landing in the Bay of Killala was the town of Ballina. The small force which then landed, consisting of not more than 1,100 men, maintained their position in Ireland for seventeen days; and the town was in the possession of the French and rebel force for thirty-two days before they were finally expelled. I mention these facts for the purpose of reminding you that peace may not always be preserved; that you may have formidable combinations directed against you. We cannot conceal from ourselves — experience shows us — that this west coast of Ireland is the weak part of our empire. If we can by any decisive measures promote the happiness, contentment, and welfare of its inhabitants, we shall not only be promoting the internal peace and advancing the prosperity of Ireland, but, as Lord Bacon said, we shall be taking security that the weakness of that kingdom shall not, as heretofore, invite a foreign enemy to invasion. It was observed, by that same great authority, still speaking of the social condition of Ireland—

> "And in the natural body of man, if there be any weak or affected part, it is enough to draw rheums or malign humours into it, to the interruption of the health of the whole body."

If those "malign humours" and "rheums," to quote that emphatic language, do continue, it will be to the interruption of the health not only of Ireland but of the whole united kingdom. In evils which afflict the natural body, there may be the means of relief by violent remedies. If an unprofitable member offend you, you must cut it off and cast it from you. If a tree be unfruitful, and cumbereth the ground, you may cut it down. You have no such remedy for the evils that afflict the social system. You must cure the diseased part, or bear with it—though its evil influence should affect your vital energies. You have no such remedy as excision—no power to cut off and cast from you the offending member of the social body. It is in the growing conviction that its weakness will be our weakness, its disease our disease, that I see the faint hope of a decisive remedy. It has pleased God to afflict us with a great calamity—which may, perhaps, be improved into a blessing, if it awakens us to a due sense of the danger which threatens us: without this warning, we might have gone on from year to year, with little thought of the future; still trusting to one precarious root for the subsistance of millions—those millions badly and insufficiently fed in the years of abundance, and doomed to starvation in the years of dearth. Let us now profit by this solemn warning—let us deeply consider whether "out of this nettle, danger, we may not pluck the flower, safety"—and convert a grievous affliction into a means of future improvement and a source of future security.

MR. SHAFTO ADAIR confessed that he never approached the consideration of any question beset with greater doubts and difficulties than was the present. But before he undertook to comment on the speech of the hon. and learned Gentleman the Member for Dublin University (Mr. Napier), he would beg to offer his tribute of admiration to the right hon. Baronet the Member for Tamworth, for the bold, comprehensive and statesmanlike views he had propounded; and, if in the course of his own address, he went still further than that right hon. Gentleman in his views, he trusted he would give him the benefit of his suggestions, and great practical experience. He rose to address the House, as one representing an English constituency—as one who was intimately connected with both countries, and who would not designate himself, as an English, or as an Irish, but as a British subject. As one, moreover, intimately connected with that portion of Ireland, in which an active opposition was evinced towards the rate in aid, he should implore the House to consider that they were now approaching one of the most important subjects which could come under their consideration. With regard to the measure before the House, he thought the rate in aid followed, as a necessary corollary to the poor-law; and when the poor-law of England was transferred to the sister country, it appeared to him that the rate in aid must follow. He would then ask, how a rate in aid could be levied on neighbouring parishes in the present circumstances of Ireland, when distress pervaded not alone whole unions, but whole counties, almost whole provinces? He would ask, whether it was not as much the interest of the several portions of Ireland to assist the distressed, as it would be in England the interest of a hundred to assist in relieving the distress of a neighbouring parish? If this rate in aid were not carried, he should not insist on the present repayment of the loans for workhouses already advanced, on the principle of mutual forbearance, and because it would appear to be an after-thought, unworthy of the British Legislature. He considered it to be no more than just that the landlord and the immediate lessors who possessed the interest, should bear the burden; and he was prepared to support his hon. Friend the Member for Kerry (Mr. M. J. O'Connell) in any proposition to that effect, although he could not agree with him as to imposing the rate upon mortgagees. He thought that the fact of a valuable consideration having been given for the charge on the property, precluded such a course; for a mortgagee is always supposed to obtain perfect security, and the increased value of the pledge therefrom does not benefit him? Again, the borrower does not say "Lend me 1,000*l.* and I will pay you 6 per cent if I can?" And, moreover, there is an implication against taxing the mortgagee for the present purpose, under the 4 & 5 Wm. IV. c. 29, which permits the investment of trust money in Irish securities. He could not, therefore, agree to that extent with his hon. Friend. But when the landlord and immediate lessor were liable to the burden, they were entitled to some safeguard that it should be properly applied, and that, as the money would be taken from a public fund, it should be administered to the satisfaction of the public by a public officer. The money raised by a rate in aid should be administered by vice-guardians; or if by local guardians, at least a paid guardian responsible to the Government should be associated with them. He had no desire to displace local guardians, for he could bear testimony, from practical experience, to the services they could render. As to the question of a maximum and a minimum rate—a principle which was now for the first time introduced—if that were adopted, he would suggest that no portion of the rate in aid should be taken until the maximum of the rate was paid as well as levied. He also considered—and he believed he had the high authority of the right hon. Baronet for the correctness of the opinion—that these advances should be made only on the security of the land; and that if the arrears should remain unpaid, the land should be sold. Much had been said on the inefficacy of the rate in aid to meet the exigencies of the case; but he was not inclined to think that the probable sum to be raised might not prove sufficient to meet all purposes. Hon. Gentlemen would see, that in the event of a good harvest, a very considerable reduction might be expected on the sum required to make good the deficiency on the poor-law returns; and it might be calculated that a good harvest would materially diminish the number of applicants for relief. So many points in the speech of his hon. and learned Friend had been answered, as it were by anticipation, that he would not detain the House by reply; but he must refer to one substitute which had been proposed in place of the rate in aid. He meant an income and property tax. He did not see how the substitution of an imperial for a local tax could be effected, so long as the question of local and imperial taxation remained unadjusted. He differed from the hon. and learned Member for the University of Dublin as to the probable effect the persevering with this measure would have on public opinion in the north of Ireland. From his knowledge of the loyalty of the people in that part of the country, he was confident that no agitation of a treasonable nature, or by which the public peace would be endangered, would occur. But there was a further safeguard which Ireland was entitled to demand of the House. It had been argued that this measure would not be merely of a temporary character. If he thought for a moment that it would extend beyond the two years, he would not support it. But he thought that the House, and the supporters and opponents of the rate in aid, and the country at large in Ireland, were entitled to some assurance from the Government, that some measure would be undertaken by them, which should prevent the necessity of continuing the rate in aid for a longer time than was now proposed, and greatly alleviate, if not remove, the pressure entailed thereby. For his part, he should vote for the measure as a temporary expedient necessary for giving breathing time to the Government and Parliament to prepare and carry measures which should be effectual in preventing the recurrence of such evils for the future. The right hon. Baronet had given some useful information as to the state of the unions in some of the more distressed parts of Ireland, but he had not lifted the whole veil. The proposal of the right hon. Baronet was, in many of its features, exceedingly appropriate; but it did not go far enough. A measure more general, even than his, was necessary, indeed inevitable. The right hon. Baronet had referred to twenty-one unions, but he had not told the House what was the general condition of the eleven counties in which these unions were situated, or the gradual absorption of real property to unproductive, or not directly productive, outlay, which should be devoted to the labour fund of those districts. He (Mr. Adair) would endeavour to supply what was deficient, by the following details; and his impression was, that the House would agree with him in thinking that some plan still more extensive than that proposed by the right hon. Baronet was needed. It would be found that the district extending from Lough Foyle to Waterford, through Donegal, Sligo, Mayo, Galway, Leitrim, Roscommon, Clare, Limerick, Kerry, Cork, and Tipperary, had been specially marked by the visitation of famine; and the proportion of the population employed on the relief works in 1846–7, that in Donegal being the lowest, at 7 per cent, varied from 10 per cent in Cork and Roscommon, to 21 per cent in Clare. Finding that these were the districts over which the twenty-one insolvent unions were scattered, and wherein the ten other unions were situate, which might yet require additional relief, he had made an estimate of the assets and liabilities of each, collectively and individually, for the purpose of showing to the House that a more general measure than that submitted by the right hon. Baronet was inevitable. He had divided the eleven counties into three groups. The first comprised Donegal, Sligo, Leitrim, Mayo, Roscommon, and Galway; the second comprised Clare, Limerick, and Kerry; and the third, Cork and Tipperary. He assumed that under the heads of rents of estates in Chancery and Exchequer, poor's-rates, grand jury presentments, and annual payments for labour rate of 1846-7, 71,749*l.* had been withdrawn from the directly productive labour fund of Donegal, 55,583*l.* from Sligo, 67,457*l.* from Leitrim, 218,295*l.* from Mayo, 117,028*l.* from Roscommon, 230,090*l.* from Galway, 180,978*l.*, from Clare, 220,188*l.* from Limerick, 189,122*l.* from Kerry, 356,748*l.* from Cork, and 302,112*l.* from Tipperary. The value of the property in the first group was 1,995,199*l.*, and the liabilities were 580,202*l.* The assets of the second group were 1,174,112*l.*, and the liabilities 590,228*l.* The assets of the third group were 2,147,962*l.*, and the liabilities 658,860*l.* The poor-law valuation of the whole eleven counties was 5,317,273*l.*, and the demands upon them for unproductive labour were 1,829,350*l.* But as one-fourth more must be added to the liabilities of 60 per cent, to allow for the decrease of present value, as compared with that of the land under the original valuation, the entire rental of the country would be expended on unproductive or not directly productive labour, and 40 per cent would remain to the landed proprietor. The amount of incumbrances and mortgages had to be deducted from this balance; and, according to the most approximate calculation he could make, the interest on mortgages paid in Ireland came to between 3,000,000*l.* and 4,000,000*l.* He had taken it at 3,500,000*l.*, which, at 6 per cent, the usual rate of interest in Ireland, would represent a capital of 58,000,000*l.* Then taking the proportion which the valuation of real property in these eleven counties bore to the valuation of all Ireland, it would appear that the interest on the eleven counties represented a capital of 22,305,000*l.*, for it would amount to 1,338,000*l.* It would be necessary therefore to add an additional sum of 25 per cent to the charges on the rental according to valuation of these eleven counties, which would amount to a charge of 85 per cent on the property therein valued to the poor-law. If these estimates were correct, he asked, with the right hon. Baronet, what was to be done? Granted that his calculations were above the mark; but let the House recollect that it would not before long be found an over-estimate, because matters in the west of Ireland were rapidly running down the course of destruction. Was, then, the measure of the right hon. Baronet adequate to meet the emergencies of the case? Rather was it not the duty of Her Majesty's Ministers to propose some great system, to call upon the country to make some great efforts which, securing the interest of the public, should at the same time re-establish the balance between capital and population, and aid in raising the landlords and tenants of the western counties of Ireland to a British level. He felt so sensibly for the sufferings of their fellow countrymen in Ireland, and the danger with which such a continued state of distress threatened the empire, that even at the risk of being looked upon as one animated by a mere foolish enthusiasm, he would, with the view of elevating the suffering classes in those districts, venture to call the attention of the House to a project which was not without precedent, and which had succeeded admirably in other countries placed in circumstances somewhat analogous to those of Ireland. The right hon. Baronet had adverted on a late occasion, when he had the moral courage to propound his great measure, to the proscription and persecution which had driven whole generations out of Ulster, and to the wise measures then proposed by James I. and his Minister. He would adopt an analogy from the last century, and from a different country. He (Mr. Adair) would refer to the plan adopted in another European kingdom in regard to a district desolated and suffering from war. When Frederick the Great turned his mind to the consolidation and improvement of his hereditary as well as of his recently acquired territories, he found the population in a state which his sagacity was not slow to perceive must not be permitted to continue. He advanced about one million of pounds sterling to the nobles of Pomerania, to assist them in redeeming the debts on their estates; but as that naturally rather produced indolence than activity, and, as he believed that relief ought not to be given to encourage idleness, he established, on the advice of a Prussian merchant, what were called "provincial mortgage banks." On the establishment of these banks, the first of which was in Silesia in 1772, estates were hypothecated, and their proprietors received certain sums in advance, in notes bearing interest, and secured upon all the estates hypothecated to these banks; and, in the event of any irregularity of payment of interest, the estates were to be sold. The banks charged 1 per cent interest higher than the notes bore, to cover the expenses of management, and to form a sinking fund for the redemption of estates. The plan was so successful, that the interest was very shortly reduced from 5 to 4 per cent. Three-fifths of the notes thus issued went into the hands of capitalists, and the remaining two-fifths served as a paper currency. In 1839, the amount of the loan had increased from 2,000,000*l.* to 12,000,000*l.*, the interest was reduced to 3½ per cent, and they had been subject to less fluctuations than almost any other securities in Europe. He had derived his knowledge of these important details from the *Edinburgh Review*, and he recommended the plan to the earnest attention of the House. Now, adopting this analogy, let the House consider whether this plan could not be applied to Ireland? The right hon. Baronet would establish a commission to administer conjointly, he presumed, with the boards of guardians the affairs of the twenty-one unions in which distress was the greatest. He agreed with the right hon. Baronet in thinking that a commission conjointly with the board of guardians ought to be appointed; but might it not be possible to carry that project still further? He should propose that a commission be established with even greater powers than those the right hon. Baronet had advocated, for the purpose of creating despatch in the settlement of titles, of giving titles, and of meeting the emergencies of unions in cases of arrears. He thought the commission should effect exchanges by an easy process between the proprietors of estates, as in consolidating estates into electoral divisions. He would give them a power to intervene, at the request of the Poor Law Commissioners, in matters connected with the poor-law. He would authorise them to sell for the arrears of rates, and to facilitate the exchange of small portions of property in the electoral division of a union. In estates mortgaged to their full value, the commission should, on the application of the parties interested therein, have the power of examining into their titles—of selling and of transferring them. Nor was the power of thus summarily deciding on questions of title, without precedent, or unknown to the English law. After the great fire of London, many disputes on title having arisen, Chief Justice Hale prepared the Act 19 Car. 11, c. 3, by which the Justices of the King's Bench and Common Pleas, and Barons of the Coif of the Exchequer, or any three of them, were authorised to "hear, and finally to order and determine the same," (disputes on title) "in a summary way of proceeding, and without the formalities or ordinary course of proceedings used in any of the said courts," of which Act Bishop Burnet observes, "that the whole city was raised out of its ashes without any suit of law." He would therefore invest the Committee with an equitable jurisdiction to inquire into and decide upon the estates thus incumbered. But there were many estates in Ireland not mortgaged to their full value, and he thought it a question worthy of consideration whether it would not be for the interest of this country to advance money on the security of those estates. Now, referring again to the eleven counties of which he (Mr. Adair) had spoken, he would repeat, that the yearly interest payable on mortgages on Irish property may be taken at 3,500,000*l.* This at the old rate of interest would represent a capital of 58,000,000*l.* The valuation of real property in the eleven counties, being 5-13ths of the whole, would give 22,305,000*l.*, as the gross amount of mortgages therein, the interest on which would be 1,338,000*l.* per annum—precisely the proportion of 25 per cent which had, by a previous calculation, been subtracted from the labour-fund of those eleven counties. His third proposition, then, seeing the failure of the Encumbered Estates Act, was to give to the commission the power to inquire into the circumstances of such encumbered estates, to form a schedule of the mortgage and judgment debts thereon, and to report as to their capabilities of improvement; so that if, upon mature deliberation and advice, it should appear that the public would be safe in making advances upon those estates as security, he would unhesitatingly recommend that such advances should be made. He would remind the House of the loan (subsequently converted into a grant) of 20,000,000*l.* to the West Indian proprietors. He did not ask for a grant; but he thought it might be advisable, with due precautions, to make the advances he had stated. But a question would arise as to raising the necessary funds for such a purpose, whether by loan-notes, by debentures, or by Exchequer-bills. He thought, partly by Exchequer-bills, and partly by notes. He was aware that in recommending such a course, he was running counter to the declared opinion of the right hon. Member for Tamworth on a convertible currency; but inasmuch as the circulation of such notes would be confined to Ireland, perhaps the right hon. Gentleman would wave any objection on that score. He would next call the attention of the House to the fact that there had been for the last four or five years a falling-off, on the average, in the circulation of the Irish banks of from 1,500,000*l.* to 2,000,000*l.* — a fact which argued a great diminution in the domestic exchanges and commercial transactions of that country. But should his proposition be acceded to, business would be so increased as to require an additional currency, and for that purpose he would make use of the notes of the banks of mortgage on the hypothecated estates. He would not propose that repayment should be made, as had been suggested to him, in fifteen years, but on the arrangement upon which the advances were now made under the Loan Improvement Act. A proprietor who would be unable to pay off a permanent charge, even at 4½ per cent, would lose all hope; but when he saw that by availing himself of the opportunity of improving his estate, he might anticipate, that even under the greater burden of 6½ per cent, the entire debt might be discharged, if not by him, at least by his children, the motives for exertion would be redoubled, and the discipline would be most salutary. By the adoption of this plan, the proprietor would have at least the prospect of paying off the advances at the end of twenty-two years. He had ventured, at the risk of no small unpopularity in Ireland, to advocate the rate in aid; but he believed that the general objections would be much lessened by the modifications he had suggested; and it was his intention to propose or support a clause in Committee by which the occupying tenant should be relieved from the incidence of that rate. He had, moreover, supported this measure, because it was the only alternative which the House had left to the Government, whereby to rescue the people of Ireland from misery to which he, speaking from experience of the great famine of 1846, would not expose a human being for a single hour. He hoped that hon. Members would dispassionately consider the suggestions that had been thrown out on that evening, remembering that no more important task was ever assigned to a Legislature than this—of calmly and patiently investigating into the condition of Ireland, with the determination of contributing, as far as human power and will could go, to the regeneration of that country.

MR. BATESON said, that, representing a county which had always been justly celebrated for its loyalty, and which had ever stood the firm friend of British connexion, he should fail in his duty if he did not come forward and protest against so unjust, impolitic, and unconstitutional a measure. He would remind those hon. Members who had sneered at the "sixpenny loyalty" of Ulster, that there had been such a thing as a "farthing a week, penny a month, and shilling a year" disloyalty. Would those hon. Members give him an account of the sums collected from the miserable dupes for whom they now proposed to tax Ulster? Could they tell him how much was spent in guns, pikes, and the munitions of war, which were afterwards used at Widow Cormac's house, or on the hill of Slievenamon? Let him ask whether there was not, at that moment, a rate struck, even in the bankrupt unions, in aid of his Holiness the Pope; and were not those payers of Peter's pence the very men for whose benefit they were now levying this rate in aid? Few had had the hardihood to defend the principle of that Bill, and almost every Member who had expressed his intention of supporting it, had admitted it to be bad and unjust. Nobody but a disciple of Louis Blanc could defend the communist doctrine, that industry must support indolence—that the industrious, peaceable, and hardworking portion of Ireland was to pay for the idle, the improvident, and the turbulent. The author of the *Organisation of Labour* only affirmed that the State is bound to provide work for its labourers, and pay them for their work; but the noble Lord at the head of the Government went further, and said that Ulster must support those bankrupt unions in Connaught and Munster, whether they worked or not; and not merely the destitute, but men who were well to do in the world, and yet had been receiving outdoor relief—in fact, robbing the unions. And what was the pretext upon which the noble Lord attempted to justify this most oppressive and arbitrary measure? "Because," forsooth, "high rates are manifest obstacles to the cultivation of the land, and Mr. Twisleton has given his opinion in favour of it." And so, according to the noble Lord, the industrious farmers of Ulster were to be taxed at the beck of a Poor Law Commissioner. But it appeared that the noble Lord was premature in announcing Mr. Twisleton's approval of the scheme, who, so far from approving of it, had manfully thrown up his appointment in consequence of the conduct of the Government. But he (Mr. Bateson) objected to any poor-law official—one who did not contribute a penny out of his high salary to the support of the poor—having the command of the purse-strings of the ratepayers of Ireland. It almost appeared as if the noble Lord wished to see but two classes in Ireland—the paid official and the paid pauper. In 1838, the noble Lord saddled the Irish people with a poor-law which was unsuited to the circumstances of the country, and which was opposed by nearly all Ireland. In 1847, although warned of the consequences, the noble Lord recklessly passed a measure authorising outdoor relief. The scheme had failed—miserably failed—and, instead of boldly remodelling the whole system, the noble Lord now endeavoured to bolster up for a time the present vicious state of things by his tyrannical rate in aid. To Scotland—a richer and more prosperous country—a different and more suitable poor-law was given; but why were the people of Ireland treated otherwise? When the rates in Buckinghamshire were 20*s.* in the pound, did they then propose to levy a rate in aid on Yorkshire? No, they dared not. The right hon. Gentleman the Home Secretary taunted them (the Irish Members) with not having proposed any substitute for his precious measure. That was the first time he (Mr. Bateson) had ever heard that it was the duty of the Opposition to provide measures for Her Majesty's Ministers. It rested with the responsible and paid Ministers of the Crown to originate measures, and independent Members had a right to propose their rejection, if they considered them bad, without finding a substitute. Several hon. Members supported this measure, because there was no income tax in Ireland. Were these Gentlemen aware that the greater part of the proposed burden would fall upon persons who would not be liable to income tax? It was the small farmer who would suffer by the rate in aid. Instead of taxing fundholders, mortgagees, and the incomes of highly paid officials, these were let off scot-free; while they crushed the miserable, struggling occupier, who is rated to the poor above 4*l.* per annum. He would remind the House, that in 1842 it was admitted that Ireland could not bear an income tax, and the right hon. Gentleman the Member for Tamworth, made an alteration in the stamp duties which he stated he considered an equivalent. If such was then the case, how much less able were the Irish people now to bear additional taxation. Since then they had been visited with three years of famine, fever, and distress. One would really imagine, from the tone of the speeches of Her Majesty's Ministers, that the Destroying Angel which passed over the fields of Connaught and Munster, had spared the crops of Ulster. No such thing. The farmers of Ulster had suffered most severely, and were still staggering under the blow; and, in addition to the loss of the potato, they were now suffering from the fatal effects of free trade. But they had put their shoulders to the wheel, and struggled nobly against their misfortunes; they supported their own poor—only a small item of public money had been expended amongst them, and they were prepared to repay it honestly, although it was lavishly squandered. They were willing to contribute to the national expenditure according to their means; but they would not submit to a tax on their industry to meet the defalcation in the bankrupt unions. If money must be had from an extraneous source, it must come from the imperial treasury—that is to say, if the Act of Union is still in force, and be not a dead letter. The passing of this measure would necessarily cause the dissolution of every board of guardians in Ulster. Paid guardians must then be appointed, and thus the Government would go on in their blind infatuation until they had driven the last remnant of industry and prosperity from the land; and when they had converted the whole country into one monster bankrupt union, teeming with destitution and despair. English Members must bear in mind that their turn will come, and then, as in Pharaoh's dream, the lean kine of Ireland will swallow up the fat kine of England. But, instead of taking this course, let him tell them what they wanted in Ireland. They wanted a firm, vigorous, and honest Government—security for life and property—protection for the farmer and the manufacturer, and a fair and just poor-law, with a law of settlement. They wanted the Government to make individual properties, as much as possible, responsible for their own poor; and if a property could not support its own poor, why the sooner it changed hands the better. The whole poor-law must be remodelled; then, and not till then, would they be able to regenerate Ireland; then, and not till then, would capital flow into the country, or the country be able to support itself without calling on the imperial treasury for assistance. And now, he would warn the Government against the consequences of their injustice. They had hitherto been in the habit of playing with agitation in Ireland, and that agitation had enabled them to retain their seats upon those benches. Their object had been, never to let the fire die out, but to keep the cauldron constantly simmering; and if, perchance, some bubble rose sputtering to the top, they had always some snug place into which to bottle off the refractory element. The standard of rebellion was unfurled, and they suddenly became aware that the safety of the country depended solely upon the men whose loyalty they had despised, and whose religion they had trampled upon. They found that the loyalty of the men of Ulster was the same through evil report and through good report, unchanged and unchangeable. Though deeply conscious of their wrongs, they came forward nobly to support their Queen and their constitution, and enabled the Government to crush the rebellion without bloodshed. And now, when the storm is supposed to have blown over, and the danger to be past, they turn round upon those men, and treat them with contumely, with insult, and with injustice; they were again lighting up the torch of agitation, and evoking a spirit in Ulster which augured ill for the peace of that province. He entreated them, ere it be too late, to allay the spirit of disaffection they had unjustly conjured up, and to refrain from wilfully, madly, striking a blow which must tend to sever the connexion between the two countries. God forbid that the loyalty of Ulster should ever be shaken! God forbid that they should ever see a Parliament sitting in College Green, or that the descendants of the noble defenders of the walls of Derry should ever be found arrayed in the ranks of repeal! Let him remind the noble Lord at the head of the Government, that it is the last drop which causes the cup to overflow; and let him remember that the cup of Irish sorrows was already full of gall and wormwood, without the need of any fresh infusion. Let him remind the noble Lord, that there is a limit to human forbearance. If he sowed the wind, he must expect to reap the whirlwind; and if he, by his oppressive measures, succeeded in uniting, for the first time in Ireland, men of all parties, all sects, and all religions, from the Giant's Causeway to Cape Clear, in open hostility to the Government and the law, upon his own head be the sin and the responsibility. He would urge upon the noble Lord to change his mind, while he had yet time—and it would not be the first occasion he had shown that second thoughts were best. It was not very long since he hearkened unto the voice of false prophets, who went about crying "Peace, peace, when there was no peace." At their suggestion, in an evil hour, he gave his order to reduce the Army by 10,000 men—an Army which, they said, had become useless and superfluous; but, lo, one short fortnight elapses, and a change comes o'er the spirit of his dream. An order is suddenly issued to stop the discharges; but it is too late. How could any good be expected from a Government which blows hot and cold in the same breath—a Government which has successively played fast and loose with agitation—pandered to the repeal faction, and which is now tied hand and foot to the chariot-wheels of the millowners of Manchester? But, what is one man's meat is another man's poison, and it was just possible that they might look upon their past political existence with pleasure and complacency; and if, to yield to unconstitutional pressure—to fawn upon men whom, in their hearts, they despise—to cringe to the bullying of agitators—be a theme of honour and glory—then, indeed, have Her Majesty's Ministers reason to be proud of their present position.

MR. GRATTAN said, that the speech of the right hon. Baronet the Member for Tamworth was one which deserved the serious attention of the House. There was scarcely an Irish Member who would not express a degree of gratitude to the right hon. Baronet, not, however, unmixed with surprise at the late period at which he had announced his plans, seeing the many opportunities which had previously been afforded to him for bringing them forward. The right hon. Baronet had paid a compliment to the Irish people, for which he, on their behalf, thanked him. There was no person, perhaps, who, during the time he was Secretary for Ireland, had made fewer enemies in that country than that right hon. Gentleman. The right hon. Baronet having chaunted the dirge of Ireland, had then proceeded to hold out to her, as the means of resuscitating her vitality, a cheap and easy mode of Chancery process. But, supposing the plan to be a good one, it was evident it would take a long time before it could develop any very perceptible good result, and during the delay in carrying it out, the people would, in the meantime, be perishing by thousands. Therefore, something else must be done more suited for the nature of the emergency. The case of Ireland was a most anomalous one. According to the report on the table, Mr. Larcombe, in 1847, estimated the production of that year to have been 16,000,000 of quarters; and the average consumption of the population of England was one quarter for each individual. So the total produce of Ireland in that year was sufficient to give two quarters to every individual of her own population. How was it, then, that so many of the people died from destitution? If Ireland had a Parliament of its own, it would, at all events, never have allowed the people to perish of hunger; it would have drawn a cordon round the estates of the absentee proprietors, and taken care that the people should have been fed. Mr. Power had shown the Government that the poor-law had utterly failed in Ireland. And they were now about to irritate the people of the north, whilst they were expatriating the people of the south; and many who were leaving the country ran away without paying their rent, although they had plenty of money to do it with. The late Mr. O'Connell had said, with great truth, that, if this poor-law were passed, they might build a wall round Ireland, and inscribe on it "the workhouse," and Ireland would now very soon be in that condition. Mr. Barlow had said that the poor-law had utterly failed. Mr. Twisleton had resigned his place, because, he said, the rate in aid was a failure. The right hon. Baronet the Member for Tamworth had referred to the case of nine distressed unions, having more than 142,000 persons to support, and all the money raised for that purpose last year, by the vice-guardians and local guardians, was 94,000*l.* The Government calculated that 25,000*l.* would be sufficient to maintain 150,000 persons for five weeks, although all that the officers had been enabled to raise was only about 94,500*l.* What was this but consigning the people to a slow but certain death? There were between five and six hundred thousand individuals likely to require relief in these distressed districts, and it would require no less than 2,400,000*l.* to support them. He submitted, then, that the plan of the Government had utterly failed. It was only just that an accidental calamity like that which had befallen Ireland should be relieved from the Imperial Exchequer, unless, indeed, the union of the two countries was merely a nominal union. The right hon. Baronet had attached great importance to the sale of estates. Now, what would be the effect of the rate in aid upon these sales? Why, in the county of Down, an English company had lately undertaken to purchase an estate there; but since they had heard of the rate in aid they had sent an individual to say that such reduction in the value of the property would be made by that tax, that they must withdraw their offer, and could not conclude the bargain. This is a proof that the estates would not sell if they went on putting these burdens upon property. Admitting, for the sake of argument, that the right hon. Baronet's plan would be successful, what was to become of the existing landlords and tenants? Were they to emigrate? The present landlords were daily becoming more and more depressed, and had been as great sufferers from the recent calamities of Ireland as any other class. He regretted that he could not support this measure, because he regarded it as unjust, unwise, and unconstitutional; but, whatever might be the result, he hoped the English Members of that House would turn their serious attention to the state of Ireland, and endeavour to correct the evils that had arisen from a long course of maladministration in that country.

Mr. BRIGHT said, as it appeared to be the wish of the House not to continue the debate any further that night, he would now move its adjournment.

Debate further adjourned till Monday next.

AFFIRMATION BILL.

On the Motion for bringing up the Report on this Bill,

Mr. P. WOOD said, that this Bill had been hitherto unopposed; but he now understood that at this late stage the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) was desirous of discussing its principle, although he had allowed it to go unopposed during all three of the previous opportunities he had already had of debating it. He trusted the right hon. Gentleman would allow the Bill to pass through its present stage; and he (Mr. Wood) would take the first Wednesday after the recess for the third reading, if the right hon. Gentleman would reserve his opposition till then.

Mr. GOULBURN explained the reasons that had prevented him from being present at the previous stages of the Bill, and thought it hard that, now that he was enabled, at last, to be present, he should be told that, not having been present before, he ought to wait till the Bill arrived at its last stage before he discussed its principle. The Bill involved considerations of very great importance, which the House ought well to discuss; and as hon. Members appeared to be too much exhausted by the previous debate for the House now to enter at that late hour (past twelve o'clock) into the subject, he hoped the hon. and learned Gentleman would not object to postpone the present stage to some future day, that a clear statement might be placed before the House of what the Bill's contents really were, which he believed was not the case at present.

Sir E. BUXTON said, it was very unusual to have a discussion on the bringing up of the report, and he trusted the right hon. Gentleman who had last spoken would consent to defer any discussion which he thought necessary until the third reading.

Mr. SPEAKER then inquired whether there were any amendments or additional clauses; and having been answered by Mr. P. Wood in the negative, said, that in that case, according to the new rules, the report must be received.

Report received.

Bill to be read 3° on Wednesday April 18th.

House adjourned at half after Twelve o'clock till Monday next.

HOUSE OF LORDS,

Monday, April 2, 1849.

Minutes.] Public Bills.—1ª Leasehold Tenure of Lands (Ireland).

2ª Protection of Justices (Ireland); Recovery of Wages (Ireland).

3ª Mutiny; Marine Mutiny; Indemnity.

Petitions Presented. From Leitrim, for the Amendment of the Poor Law (Ireland); also to be relieved from the Repayment of any Money advanced for Public Works during the years of Famine.—By the Earl of Roseberry and Marquess of Lansdowne, from Linlithgow and Devonport, for the Adoption of such Measures as shall secure to Clergymen seceding from the Church the full benefits of the Acts of Toleration, and for the immediate Liberation of Mr. Shore.—By the Earl of Falmouth, from Truro, against the Repeal of the Navigation Laws.—By the Duke of Beaufort, from Chipping Sodbury and Dudley, against the Present Mode of granting Beer Licences.

THE POLISH EXILES—EXPLANATION.

The Earl of EGLINTON said, he wished to trouble the House with a few words of explanation on a personal matter relative to some remarks made a few nights since by a noble Earl (the Earl of Harrowby), in reference to a return moved for by him (the Earl of Eglinton) on a former occasion, respecting the Polish refugees in this country. He had no idea that the noble Earl intended to bring forward the question on Friday evening, and did not come to the House; but he had seen a report of the proceedings in the public journals. It appeared from the statement made by the noble Earl, that he (the Earl of Eglinton) had said that the Polish refugees in this country were so dissolute as to be unworthy of public assistance. Now, what he really did say was, that no doubt there were many individuals belonging to that nation who were deserving of their admiration, and worthy of their sympathy; but it was, nevertheless, true the generality of them were turbulent. He stated he had the highest possible admiration for many of the Polish nation; and nothing could be more at variance with this statement than to assert that he said they were utterly worthless and dissolute. He thought it was a misapplication of the funds of the State to give an allowance to any foreigners—be they Poles, or anybody else—who had no claim on this country. No doubt many of the Poles were deserving of private charity; but he did not think that any foreigners ought to receive allowances from the Imperial Treasury. He did not quite understand the discrepancy that occurred between this return and the miscellaneous estimates. He found in the miscellaneous estimates that the allowance for the Poles was estimated at 8,700*l.* during the year from the 31st of March, 1848, to the 31st of March, 1849. But in the return he found that, from the 28th of March, 1848, to the 26th of March, 1849, the whole amount was only 6,659*l.*, leaving a difference of two thousand and odd pounds to be expended during a few days. Either the miscellaneous estimates were not made out correctly, or those returns were not correct, or the Poles had been in very great distress during those few days.

The **Earl** of **HARROWBY** said, it was rather a petty warfare to be carried on against the unfortunate Poles to institute an investigation into their lives and morals, and believe all the tittle-tattle that was said against them. The information sought to be obtained when the return was moved for was of this character; and he was sorry that the noble Earl, because he disapproved of the allowance to the Poles, should have sought to attack their private character.

The **Earl** of **EGLINTON** had only wished to explain that he did not characterise the whole of the Poles as unworthy and profligate. With reference to the statement which he had made when he moved for the returns, that the medical relief afforded to the Poles had been chiefly for diseases arising from profligacy, he was very glad to find from the statement made by the noble Marquess (the Marquess of Lansdowne) on Friday evening, that no case had been made out to justify that statement; and he regretted having made it.

STATE OF IRELAND.

Earl FITZWILLIAM presented a petition from the Grand Jury of the county of Tipperary against the rate in aid. The persons who signed would prefer an income tax in Ireland to a rate in aid.

Lord MONTEAGLE thought it was satisfactory to see, on the part of petitioners—north, south, east, and west—that there was manifestly no indisposition to contribute for the relief of existing distress; but their objection was to the proposed mode of taxation. He wished to take the opportunity of making one remark—though, perhaps, it was not regularly connected with the petition — with respect to a proposition that had been thrown out in another place for the improvement of Ireland. For the first time since the Union there was put forward a large and extended measure, which was calculated to improve the condition of that country. He could not but hail it as a matter of great hope for the country with which he was connected, that there should be found somebody who would undertake to bring the case forward, and discuss the question of Ireland, not with a view to prop up a system defective in itself, and which had been found wanting on the occasion when its services were most required, but to discuss the case of Ireland for the purpose of seeing what remedy it would be expedient to apply to that case. He viewed the period at which this proposition was put forward as a very great era, and he considered the proposition itself as an important event in the times in which they lived. He trusted that that proposition would receive due consideration, with a view to meeting the peculiar circumstances of the people of Ireland.

Earl FITZWILLIAM begged, in consequence of what had fallen from his noble Friend, to say a few words. He entirely concurred in the observations he had made in relation to a proposition of which, though not regularly before them, they had obtained some information. As far as he understood the proposition, the object of the right hon. Baronet who brought the question before the other House of Parliament was, to deal with the population of Ireland in three different modes—that is to say, he would encourage their employment by private employers; he would employ another portion of them in public works; and he would either assist or provide, on the part of the State, for the emigration of others. Those three points had since passed through his (Earl Fitzwilliam's) mind, and he had endeavoured to take them into his consideration. The proposition had come before the public from high authority, and if he had not detailed a very minute plan, he had at least sketched out for the consideration of the public the most useful proposition that ever had been yet made for the improvement of Ireland. He trusted that, coming from that high quarter, it would obtain more consideration than a similar plan had obtained when suggested by an isolated individual like himself (Lord Fitzwilliam). He would not be satisfied in his own mind if he did not express how much he felt to that Gentleman for having made that proposition. He did so with more satisfaction because with that right hon. Gentleman he had not the slightest connexion or communication.

THE AFFAIRS OF NORTHERN ITALY.

The **Marquess** of **LANSDOWNE** having moved the Third Reading of the Mutiny Bill,

Lord BROUGHAM begged to put a question to the noble Lord with reference to the accuracy of a report that had reached him from Paris. It was alleged that the Polish general who lately distinguished himself—no, who had lately extinguished himself, for that was nearer the fact—who had lately been commander-in-chief of the army of the late King Charles Albert in the late war against Austria, had been recommended to his late Majesty by the Government of this country. Was it true that that Polish general was so recommended? It was said that the Government of this country had before employed him on some foreign mission, and had great confidence in his military tactics. He (Lord Brougham) had received a letter from Paris making that statement, and his answer was that he could not believe it; because nobody could do anything so preposterous as first to recommend a gentleman, and then to feel highly rejoiced, and to felicitate the Austrian Government, at the total defeat of that general. Therefore, he (Lord Brougham) said he did not believe that any such discrepancy could exist between the secret councils and the spoken words of his noble Friend opposite; but it would be more satisfactory if they received an answer from the noble Marquess himself.

The Marquess of LANSDOWNE: As to the individual in question, whose name he was not able to pronounce, and who had not yet been named by his noble and learned Friend opposite— [Lord Brougham: I am no more able to pronounce it than you; but you know well who I mean.] Well, then, that individual had in no way been recommended by this country to the King of Sardinia as a fit person to command his armies in chief. He would even go further, and say that no individual, either Pole or other foreigner, had been recommended to any such office by the Ministers of Her Majesty. It was no part of their duty to recommend to the Sovereign of Sardinia, or indeed to the sovereign of any other kingdom, the persons whom they ought to employ in the command of their armies.

The Earl of ABERDEEN said, that he was not at all surprised that such a notion as that referred to by the noble and learned Lord should be abroad, considering the manifest partiality which had been exhibited by Her Majesty's Ministers to Sardinia, and the no less manifest ill-will which they had exhibited towards Austria. Though every person must have anticipated the answer of the noble Marquess, yet when it was known that the person referred to had formerly been in the employment (confidentially, he believed) of the English Government, the circumstance gave rise to the supposition that was entertained; and the feeling that had been evinced by the Government of this country towards one of the parties in the war might have given a sort of countenance to the notion that this person had been recommended by Her Majesty's Government. Although the feelings which had at one time been entertained by Her Majesty's Government with respect to the Sardinian cause could not have been mistaken, he must say that never in his life had he witnessed more entire unanimity amongst persons of all parties than was displayed at the result which had taken place, or more perfect satisfaction than had been manifested by all men at the party in fault being so promptly and signally punished. He presumed that the armistice lately entered into between the two parties was without any interference on the part of the English and French Ministers, and that the treaty had been entered into by Marshal Radetsky with the King himself. He hoped that their mediation would not be interposed for the purpose of restoring peace, because he was convinced that the effect of that mediation inevitably would be to prolong the state of war. Their mediation in August, which was entirely unasked for, had no other practical effect than to continue the state of war for six months, though active hostilities were suspended. Were it not for their mediation, peace would then have been made, and there was nothing now to prevent it from being made. When the British Government offered their mediation, it seemed to have been forgotten that the late King of Sardinia had committed an outrage against us, as well as against Austria. He broke his treaty with us, and, therefore, what had induced our Government to mediate he could not imagine. When both parties are wrong, which is generally the case among nations who go to war, there is good reason for a friendly Power to mediate between them; but here, where the Sardinian Government had not only committed a violation of all faith with the Austrian General, but had also committed a similar violation of faith with respect to us as he had done by his violation of the Treaty of Vienna, into which Sardinia had entered, not with Austria only, but with Great Britain—he confessed he did not see on what ground they were called upon to mediate in his behalf. In God's name, then, let the French Government have the entire credit of preserving the integrity of the Sardinian territories—there was no occasion for us to interfere to secure its integrity. The integrity of Piedmont had, in fact, never been threatened by Austria; on the contrary, Marshal Radetsky had expressly declared his intentions on this head. But as for the British Government to interfere after the treaty had been so scandalously violated, that, he trusted, would not be done, unless, indeed, the Government were prepared to adopt the strong terms of M. Lamartine, and say that the treaties of 1815 had no longer any existence, for then, of course, the violation of the treaty would be a matter of little consequence to us. But if we were to look at treaties as we should do, and as he presumed the noble Marquess would do, then the violation of that treaty by the Sardinian Government must be considered as an offence towards all the parties who had acceded to them. In conclusion, he would again earnestly express a hope that as an armistice had been made without our intervention, we should not prevent the conclusion of peace by our mediation.

The MARQUESS of LANSDOWNE said, that after the observations which had so unexpectedly fallen from the noble Earl who had just resumed his seat, it became necessary for him to offer a few remarks in defence of the Government which he had assailed. The noble Earl had favoured them with one piece of information which did not, however, bear very directly on the present question. He (the Marquess of Lansdowne) believed that it was correct that the Polish officer, whose name was unpronounceable, had some years ago been employed by our Ambassador at Constantinople as an auxiliary in procuring information; and it was very possible that the knowledge of that fact might have assisted him in procuring employment at the Court of Turin. But no recommendation in his favour had gone from this country to Turin; and, until recent events had made his name conspicuous, Her Majesty's Ministers were ignorant that he was in the employment of the late King of Sardinia. The noble Earl had stated, that it was only natural that this rumour should get abroad, in consequence of the partiality which Her Majesty's Ministers had displayed towards Piedmont in its late contest with Austria. The noble Earl had made up his mind on certain private grounds as to the existence of that partiality. What the noble Earl's private information might be was better known to the noble Earl than himself; but he (the Marquess of Lansdowne) had no hesitation in affirming that the noble Earl had no public ground whatever for accusing Ministers of partiality towards the King of Sardinia. All the information on which the noble Earl relied was founded on private and on partial sources; and he (the Marquess of Lansdowne) submitted, that the noble Earl would have shown more fairness, more justice, and even more judgment, if he had not pronounced an opinion that the Ministers of his Sovereign had acted partially, until he had seen a full, fair, and impartial production of the diplomatic papers. The noble Earl had also warned Her Majesty's Ministers not to interpose its mediation between the parties recently at war, but now about to conclude peace. There was no such intention on the part of Her Majesty's Government. Neither now, nor at any former period, had they ever thrust or forced their mediation upon any Power; but he would not say, that if either Austria or Sardinia should now ask, as they asked in the May of last year, for our mediation, Her Majesty's Government would be prepared to withhold it, on the ground that the noble Earl, who said that it ought not to be given, was the best judge of its importance, and not those interested parties who of their own accord sought to obtain it.

The EARL of ABERDEEN: When the noble Marquess stated that he had no public ground for accusing Her Majesty's Government of partiality, he must say that he had, and that he had proved it the other night. He must say, that by publishing an accusation against the supposed conduct of Austria, although they possessed at the time, and kept in their pockets for many months, the answer to that accusation, they did in the most manifest manner put themselves in the situation of persons exhibiting the utmost partiality as between those Powers. Those matters were public, and it was on no other than on public grounds he made that statement. Our mediation was not asked for, but was offered in August last, and accepted at once by Sardinia. The very fact of our offering our mediation on behalf of a Power whose conduct we ought properly to have resented—for, strictly speaking, Sardinia had given us cause of war if we adhered to the strict obligations of treaties—savoured strongly of partiality. Not that he said they should so resent it; but he complained that the conduct of Her Majesty's Government had been marked throughout by a spirit of partiality towards a person who had committed a most flagrant violation of a treaty to which they were parties.

The Marquess of LANSDOWNE replied, that our mediation had been asked for by Austria in May last. He did not consider that Her Majesty's Government had thrust their mediation on either party; and he was prepared to assure the noble Lord, that Her Majesty's Government did not intend to thrust their mediation upon those Powers at any future time. The noble Earl had thought himself justified in condemning the Government for partiality in its proceedings, founding the charge upon two or three particular papers laid upon the table a year ago; and this at a moment when the papers relating to the whole of the transactions—from a connected examination of which the conduct of Her Majesty's Government could alone fairly be judged—were about to be laid before their Lordships. It was before the whole of these papers were laid before the House that the noble Lord prepared to pass his judgment upon the proceedings of Her Majesty's Government; and the noble Lord had thought himself justified in coming to a decision with only two or three of the papers before him.

Lord BROUGHAM expressed his great satisfaction at the answer given by his noble Friend the President of the Council to the question which he (Lord Brougham) had asked respecting the recommendation of the Polish general. He had been informed of the rumours to which he had alluded by private letters, received last week from Paris; and in the interval between Saturday and that day those rumours had been confirmed by a higher authority than before. These were the reasons that induced him to put this question to the noble Marquess; but after the full and frank denial of the noble Marquess, who had said that no such recommendation of this general had been given by Her Majesty's Government, there was an end of the matter. As to the question of the partiality shown by Her Majesty's Government towards Sardinia, he would not enter into the subject until the necessary papers were laid upon the table; but he wished to observe, that he expected those promised papers would show anything rather than a partiality towards Sardinia, and ill-will towards Austria, at least during the last few months. He was perfectly certain—as certain as he was of his own existence, or of anything else—that Her Majesty's Government had done all they possibly could, and had been *bonâ fide* anxious and zealous to prevent the rash and fatal step which Charles Albert had so perfidiously and unaccountably taken, and thereby brought upon himself defeat and ruin. He wished now to speak with reserve and tenderness of that Prince in his misfortunes—he had suffered for his demerits, and fallen from his high estate; and this he would say in justice towards him, that he had shown no lack of courage in sustaining the battle, although he had failed in it. But he must speak with indignation, disgust, and contempt, of the Milanese agitators, who were now employed in libelling this Prince, the only person who had drawn a sword in behalf of the Milanese themselves. The Milanese had never sent one man or drawn one sword for their cause, and not one of them was to be found either among the prisoners, or the dead that were mowed down by Radetsky's cannon. So much he would say in passing of these Milanese agitators; but he firmly believed that Charles Albert had been driven on in his desperate career, in spite of himself, by the agitators of Paris and Turin, and was therefore, perhaps, more to be pitied than blamed for what had recently occurred. And he would say, that he firmly believed Her Majesty's Government had had no hand in it; on the contrary, he believed that they had earnestly, and in good faith, done all they could (and in this they were only pursuing a wise policy) to prevent him from rushing on to his destruction, and thereby endangering the peace of Europe and the world. It would have been well, however, if Her Majesty's Government had shown the same zeal, prudence, and foresight on the 11th of September, 1847, when they wrote their famous despatch. They had not treated Austria as they had treated Piedmont—they advised Piedmont as a friend, and threatened Austria as an enemy. He (Lord Brougham) would not enter into the subject further, but merely say, that the charge he now repeated had been made against the conduct of the Government months ago—the Government had full notice then — they had, then, on his (Lord Brougham's) Motion, well understood the charge; now the noble Marquess had misunderstood the charge; and it had received no kind of answer either then or now.

The Earl of ELLENBOROUGH did not rise to give any opinion on the subject of our alleged recommendation of the Polish general, or on the charge of partiality preferred against Her Majesty's Ministers for their conduct in the late warfare in Piedmont. His sole object was to comment on a principle which he thought had been hastily and erroneously propounded by Her Majesty's late Secretary for Foreign Affairs. He had heard with great surprise the declaration of the noble Earl, that we ought to leave to France alone the preservation of the integrity of the Sardinian monarchy. Now, the union of Genoa with Sardinia was our own work, and it was thought to be one of the worst works which we had achieved in the settlement of Europe made in 1815. It was as much for the honour and interest of England as it was for the honour and interest of France to maintain intact the integrity of the Sardinian monarchy. He therefore trusted that Her Majesty's Government would not be found wanting, if the necessity should arise, in declaring their determination, at least as strongly as France expressed hers, not to suffer any infringement whatever of the territorial limits of the Sardinian monarchy.

The Earl of ABERDEEN observed, that he was a Scotchman, and if he had not known to the contrary, he should have imagined that his noble Friend (Lord Ellenborough) was a Scotchman too—for he had often heard it said that there never yet was a Scotchman who understood a joke. What he had said about the sole mediation of France was a joke, or rather an unhappy attempt at a joke; and his noble Friend seemed to think that he was in earnest. He meant to say that the integrity of Piedmont was in no danger, and that all the magniloquent eloquence in which some parties indulged respecting the necessity of preserving its integrity was mere moonshine, and not worthy of notice. He admitted that, if the integrity of Piedmont should be in danger, we were bound as much as France to protect it.

Lord BROUGHAM remarked, that he earnestly wished it to go forth to the world, so as to be generally understood on the other side of the water, that with reference to the recent transactions in the north of Italy, there never yet was a victory obtained by one foreign force over another foreign force which had so universally excited the admiration and gratified the feelings, as well as satisfied the principles, of all parties in this country.

Earl FITZWILLIAM had no wish to justify a breach of faith on the part of any monarch, but he thought that some of the remarks which had fallen from the other side of the House had borne rather hard upon the Prince who was now suffering the consequences of a defeat. Jokes, too, had been made; but he must be allowed to say that he thought it not very good taste in this—perhaps the first and gravest assembly in Europe—to indulge in that peculiar species of eloquence. The noble and learned Lord had attacked the Milanese in his own peculiar and sarcastic manner. His noble Friend opposite had talked of "perfidy and ambition" on the part of the late Sardinian monarch, and seemed to suppose that these things had never been found in the counsels of any other nation. Let him recollect, if the same measure of reprobation and condemnation as had just been visited upon the head of a Sovereign who had failed, had been always dealt out by this country towards monarchs whose "perfidy and ambition" had met with a different fate, and been successful in effecting its designs, what were they to say of a monarch, of whose alliance we were proud, who was united by blood with the Royal Family of England, and who was toasted and feted as the Protestant hero whom England was to caress, and with whom she was bound to sympathise—what, he asked, were they to say of Frederick the Great, who, in the hour of her distress, robbed Austria of Silesia, guaranteed to her by long possession and innumerable treaties? He also called on their Lordships to remark the wide discrepancy which existed between the speech of the noble Earl on Friday last and on the present occasion. Now his Lordship spoke of the perfidy and ambition of Charles Albert; but on the former occasion he asserted that Charles Albert was not his own master, but was driven on to actions which he disapproved by the republicans of Piedmont and of Paris. He believed that Charles Albert had been conscientiously anxious to relieve his country from the domination of Austria, which was novel to Italy. Spanish sovereigns had reigned in that country for some centuries; but Italy had never been subject to Austrian domination until the Peace of Utrecht. Too much had been said of ambition and perfidy on that occasion, considering that in other cases, for instance in Poland, we had been ready enough to congratulate the Powers who displayed it on their good fortune and success.

The Mutiny Bill was then read 3^a, and passed.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 2, 1849.

Minutes.] Public Bills.—1^o Charitable Trusts; Bankrupt and Insolvent Members.

Petitions Presented. By Mr. Simeon, from the Clergy of the Isle of Wight, and by Mr. Smollett, from Dumbarton, against the Parliamentary Oaths Bill.—By Mr Glynn, from Kendal, and by other hon. Members, from several Places, for the Clergy Relief Bill.—By Mr. Cowan, from Edinburgh and a great many other Places, and by other hon. Gentlemen, for a Better Observance of the Lord's Day.—By Mr. Simeon, from Clergy in the Isle of Wight, against the Marriages Bill.—By Sir J. Walmsley, from Weymouth and Melcombe Regis, and by Mr. Stuart Wortley, from Doncaster, in favour of the same.—By Sir G. Clerk, from Edinburgh, and by other hon. Members, against the Marriage (Scotland) Bill.—By Mr. Cowan, from the Parishes of Colinton and Lasswade, in the County of Edinburgh, for the Repeal of the Duty on Paper.—By the Chancellor of the Exchequer, from Halifax, and by other hon. Gentlemen, for a Reduction of the Public Expenditure.—By Lord H. Vane, from the Wear Valley and the Stockton and Darlington Railway Companies, respecting Taxation of Railways.—From Norwich, for Reduction of Duties on Tea, Sugar, Coffee, &c.—By Mr. Sotheron, from Wilts, for Agricultural Relief.—By Mr. Bourke, from the County of Kildare, respecting Depredations by Killing Cattle, Sheep, &c. (Ireland).—By Mr. C. Anstey, for Alteration of Law respecting Chicory.—By Mr. Cowan, from Edinburgh, for Repeal of the Game Laws.—By Mr. Urquhart, from Stafford, respecting Observance of the Law of Nations.

MALT DUTY.

Sir E. BUXTON wished to know from the right hon. Baronet the Chancellor of the Exchequer, whether he could lay before the House an account of the expense of collecting the malt duty, and of the net amount received from it in each of the years ending Jan. 5, 1847, 1848, and 1849? He believed that a very erroneous impression prevailed with respect to the expense of collecting the malt duty. He had seen it stated in one publication that the expense was 1,500,000*l.*

The CHANCELLOR of the EXCHEQUER said, that the expense of collecting the whole excise revenue of the country was 900,000*l.*, as might be seen by referring to the last financial accounts which were laid on the table of the House. It was impossible, therefore, that the expense of collecting one branch of that revenue could amount to 1,500,000*l.* It was impossible to form a precise estimate of the collection of the malt duty, but he believed it was about 188,000*l.*—it certainly was under 200,000*l.* The proceeds from the malt duty in the year 1846 were 5,084,000*l.*; in 1847, 4,456,000*l.*; in 1848, 5,224,000*l.*

BRITISH GUIANA.

Mr. BAILLIE wished to put a question to the noble Lord at the head of Her Majesty's Government relative to the colony of British Guiana. It appeared that letters had been conceived, stating that Governor Barkly had just arrived there, but that he had stated to the Court of Policy that he had no arrangements to propose with reference to the civil list. He wished to ask the noble Lord whether he was correct in supposing that Mr. Barkly had gone out without any instructions on the subject?

Lord J. RUSSELL replied, that the Government had not received any accounts from Governor Barkly since he left this country. There were no written instructions given to him with regard to the civil list; but Mr. Barkly, the new Governor, perfectly well understood, he believed, that if there were an address to the Crown on the subject of a civil list, there was every disposition on the part of Her Majesty's Government to consider the charges of the civil list, with a view to their reduction. That list, however, having been settled for a certain period of time, of course Mr. Barkly must be aware that no alteration could be made in it without the consent of the Crown.

Subject at an end.

MONTE VIDEO AND BUENOS AYRES.

Mr. URQHART begged to repeat the question which he had on more than one occasion put to the noble Lord the Secretary for Foreign Affairs on the subject of the capture of certain vessels at Monte Video.

Viscount PALMERSTON believed that the question which the hon. Member had put to him was, by virtue of what adjudication the vessels referred to had been detained? Now, in the first place, no adjudication took place on the capture of vessels of war. If, therefore, the flotilla to which the hon. Member referred had been captured, no adjudication would have taken place, but it would have been a prize of war. But the fact was that the flotilla was not captured at all. The vessels in question were on their return from the blockade of Monte Video to Buenos Ayres, when the English and French admirals required that every English and French subject on board should be landed. The Buenos Ayres admiral declined to comply with that request, and endeavoured to proceed, but was interrupted by the English and French admirals, and compelled to return, and he then abandoned his vessels, which were not captured, but taken charge of, and some of them were lent to Monte Video; some were employed by the French admiral, and one by the English admiral; but Lord Aberdeen, in a despatch to Mr. Ouseley, treated them as liable to be returned whenever a pacification should take place.

Mr. EWART asked if the noble Lord had any reason to believe, from any recent information from South America, that British commerce was likely to be relieved by the settlement of the question on the River Plate?

Viscount PALMERSTON had no precise information on the subject; but from the general aspect of affairs he thought a fair prospect presented itself that matters would be arranged. At present British commerce suffered no obstruction at Buenos Ayres, where, by the last accounts, a perfect hunger and thirst existed for our goods, and British cargoes were purchased up with avidity. At Monte Video, however, he believed there was still some difficulty.

Subject dropped.

THE AFFAIRS OF ITALY.

Mr. URQUHART wished to know whether the declaration made by the French Minister for Foreign Affairs with respect to the north of Italy was the result of a concurrent action with this Government?

Viscount PALMERSTON said, perhaps the hon. Gentleman would alter the shape of his question, and state what declaration he alluded to. It must be obvious that it would not be the most fitting course for a Member of Her Majesty's Government, in the present state of affairs in the north of Italy and in France, to make any declaration on the part of the French Government. If the hon. Member asked him a question with regard to any declaration made by Her Majesty's Government, of course it would be his duty to answer.

Mr. URQUHART said, he had alluded to the past engagements of the two Governments. The Minister for Foreign Affairs in France had declared the determination of his Government to maintain the integrity of Piedmont, and he wished to know whether that declaration was made in consequence of any understanding between the two Governments.

Viscount PAMERSTON: Of course, it must be evident that any change in the territorial limits of Europe would be a subject requiring very grave consideration. He had no reason to suppose, from anything which he had heard, that any intention or desire, or disposition whatever, existed on the part of the Austrian Government to require from Piedmont as a condition of peace any cession of territory.

RUSSIA AND TURKEY.

Mr. ANSTEY wished to give notice that he should to-morrow ask the noble Lord the Secretary of State for Foreign Affairs whether he had received intelligence, official or private, of any demand which had been addressed to the Sublime Porte by the Russian Government, for the admission of a Russian squadron into the Bosphorus, and whether any means had been used to obtain such admission, and whether Her Majesty's Government were prepared to resist such an infraction of treaty?

Viscount PALMERSTON could answer the hon. and learned Member's question at once. He could assure the hon. and learned Gentleman that Her Majesty's Government had the best reason to believe that no such demand as that which he mentioned had been made by the Russian Government. The Russian Government had not demanded permission for the Russian squadron to pass from the Black Sea to the Bosphorus.

Subject at an end.

PUBLIC BUSINESS.

Lord J. RUSSELL, on rising to bring forward his Motion respecting Orders of the Day having precedence of Notices of Motions, wished, in the first place, to say that he thought there had been in the course of the present Session the greatest disposition evinced on the part of the House to bring the business under its consideration, whatever it might be, to a conclusion. He had, therefore, no doubt of the readiness of the House to adopt any rule which would tend to the despatch of business. It appeared to him, however, that for several years past the Government having been charged with the duty of bringing forward measures—and many of them difficult measures—relating to subjects of vast importance, had not a sufficient opportunity—there being only two days a week allotted to the Government during a considerable part of the Session—of proceeding with their business. The consequence had been, that hon. Members had asked for Bills to be proceeded with which it was utterly impossible to proceed with, owing to there being so little time allowed; and another consequence had been, that many Bills of very great importance had been brought in at a very late period of the Session, when there was no great attendance in that House, and the other House of Parliament refused to consider them on account of the lateness of the period of the Session. There had, consequently, been a very great loss of time, and no results had followed much of the labour which had been bestowed upon public business. There had, likewise, been this inconvenience—that when measures had been introduced at a late period of the Session, hon. Members having then only one day in the week for Motions, had resorted to the plan of moving amendments on going into Committee of Supply, which was a most inconvenient proceeding. It therefore appeared to him, that instead of waiting till so late a period of the Session as before, it would be desirable that one Thursday out of two, that was to say, every alternate Thursday, Orders of the Day should precede Motions. He did not mean to propose that, in every case, the Orders of the Day to be taken on Thursdays should be Government Orders of the Day. He should think that an arrangement might be made to take Bills of importance on Thursdays, though brought forward by independent Members of the House, which could not so well be taken on Wednesdays. For instance, there was the Bill now before the House involving an alteration in the law of marriage; and if that Bill could be taken on a Thursday, much advantage would be gained from the circumstance that so important a debate would not be interrupted by the Speaker's leaving the chair at a fixed hour. He now wished to say a few words with regard to the business before the House. With regard to the Bill respecting oaths to be taken by Members of Parliament, he proposed to proceed with it on Monday the 30th of the present month. He should hope that the House would agree, without any discussion, to the report on the navigation laws; and if so, with the concurrence of the right hon. Gentleman the Member for Stamford, he should propose to fix the third reading of the Bill for the 23rd of April. With regard to the Rate in Aid Bill, he should hope that the debate would close to-night, so that they might come to a division on the second reading. In that event, as the notice which he had given of a Motion for a large advance, would excite some discussion, and the hon. Member for Kerry meant to propose the alternative of an income tax, he would fix Monday the 16th inst., for the debate on this proposition. Of course, it was desirable that the relations under which immediate relief must be given to Ireland should be settled as soon as possible, because every one knew that May, June, and July were the months of the greatest suffering, and he should be very sorry that the decision of the House should be delayed in such a manner that relief could not be given to those who most wanted it.

Motion made, and Question proposed—

"That, upon Thursday, the 19th day of this instant April, and every alternate Thursday following, Orders of the Day have precedence of Notices of Motions."

Mr. HUME said, that after the experience of last Session he doubted very much whether the proposed encroachment on the privileges of independent Members was calculated to produce a beneficial effect. It would, he thought, be much better for the noble Lord to try the experiment of allowing hon. Members to get through all the leading Motions as speedily as possible. That would, he believed, afford a much better chance of getting satisfactorily through the business. He put it to the noble Lord whether he had not better content himself with the alternate Thursdays after the middle of June. The noble Lord should remember that the independent Members had deprived themselves of a second opportunity of proposing amendments to the Supply, which was a ground for refusing to allow any further entrenching on the privileges of the House. The hon. Member proposed then, as an Amendment, to substitute for "the 19th day of April," "the 31st day of May," adding, that he should not object to the noble Lord's having every Thursday after May for Government business.

Amendment proposed, to leave out the words "19th day of this instant April," in order to insert the words "31st day of May next," instead thereof.

Lord J. RUSSELL said, that what the hon. Gentleman proposed would leave the inconvenience of former years unremoved.

Mr. EWART observed, that one argument in favour of the Amendment was, that at a late period of the Session independent Members had a difficulty in making a House,

Mr. HUME wished to know whether, if he withdrew his Amendment, the noble Lord would be contented with every second Thursday at the latest period of the Session?

Lord J. RUSSELL hoped they would be sufficient, but circumstances might arise at an advanced period of the Session when it would be perhaps necessary for the Government to ask the House to grant them every Thursday; at the same time there were some measures of great public importance which, perhaps, ought not to be superseded by the pressure of Government Bills. As far as he was concerned, he should not resist the progress of the Marriage Bill introduced by the right hon. and learned Member for Buteshire.

Mr. J. S. WORTLEY said, if the noble Lord had no objection, he should propose to go on with that measure on the 3rd of May.

Lord J. RUSSELL replied, that he should not stand in his way.

Sir R. PEEL said, he had observed that a notice of Motion had been given for the following day, in reference to the affairs of the Punjaub. To him it appeared that as the President of the Board of Control had received no fresh papers, and as intelligence had been received that day, which would probably be presented in a more perfect state in the course of two or three days, any discussion of the affairs of the Punjaub would be premature and inconvenient.

Mr. OSBORNE said, the House had then before them the Motion of the noble Lord at the head of the Government. He would be the last person in the House to stand in the way of any good arrangement for the Government business; but it must be recollected that those Members who were called independent had been surrendering their privileges one by one. The person who was most guilty in that respect was his hon. Friend the Member for Montrose. Previous to last Session, any hon. Member had a right to call attention to any grievance on the Orders of the Day; and his hon. Friend, in order to cut off that privilege, brought forward a Motion, the success of which he probably now regretted. The noble Lord had formerly deprecated the idea that the Executive Government were to be the initiators of every measure. That formed an additional argument to assist the Motion. He regarded the Motion as an assault on the privileges of independent Members; and he believed it would be found that when an hon. Gentleman had a notice on the Paper for the open night, if he were not connected with the Government party, or some other great party, he would be treated with the dismal expedient of a count out.

Mr. BRIGHT said, that the noble Lord the Member for London, by his answer to the hon. Member for Montrose, had appeared to indicate that he did not intend to ask for the other Thursdays during the remainder of the Session. He could understand the noble Lord's not being willing to enter into a pledge, as there might be an absolute necessity for an additional day; but, under ordinary circumstances, the noble Lord would not, he understood, consider it necessary to take more than the alternate Thursday—nor was his object to avoid subjects which might be unpalatable to the Government.

Lord J. RUSSELL assented.

Mr. HUME said, he was perfectly aware that a Minister must be guided by circumstances. He would, therefore, withdraw his Amendment.

Question proposed, "That the words proposed to be left out stand part of the Question." Amendment, by leave, withdrawn.

Main Question put and agreed to.

RECTORY OF BISHOP WEARMOUTH.

Mr. HORSMAN wished to learn from the noble Lord at the head of the Government whether or not it was probable that there would be any legislation in the course of the present Session with respect to the rectory of Bishop Wearmouth?

Lord J. RUSSELL said, he had been in communication with the Bishop of Durham and the rector of Bishop Wearmouth—and they both stated that it had always been in their contemplation that an Act of Parliament would be necessary to carry out the arrangements which they had in view with respect to the rectory; but the rector said he thought it would not be possible to prepare a Bill for that purpose until the amount of the income had been more correctly ascertained than it is at present. As he was in communication with the Bishop of Durham, he would be able to state, after Easter, when it was intended to bring in a Bill.

Viscount CASTLEREAGH said, he had received a statement from Mr. Davidson, agent for the Bishop and chapter and other clergy in the county of Durham, and also the agent during the time of Dr. Wellesley, which seriously impugned the facts stated by the hon. Member for Cockermouth, on the occasion of his bringing the state of the rectory under the consideration of the House; and as it was of importance not only to individuals concerned, but to the Church itself, he would read to the House the communication of Mr. Davidson. It was as follows:—

"I have duly received your favour of yesterday's date; and in reply beg to inform you that I have seen the exaggerated statement made by Mr. Horsman in the House of Commons on the 20th instant, respecting the income, &c. of the rectory of Bishop Wearmouth. The late Hon. and Rev. Dr. Wellesley was collated to the rectory in March 1827—and the gross yearly income arising from land, tithes, wayleaves, and coal, from that time up to June 30, 1848, as received by me, on his behalf was as follows—

He should not occupy the time of the House with all the details, but state shortly that the total was 72,734*l.* 15*s.* 1½*d.*; and the yearly average gross income, 3,463*l.* 10*s.* 9*d.* The writer then went on to say—

"You will observe that, 18 years ago (1831), the gross income was only 3,153*l.* 2*s.* 5*d.*; and that the greatest amount received in any year of that period—viz., for 1848, was under 4,000*l.* The parochial rates paid by Dr. Wellesley for the tithes during the 21 years amounted to 3,538*l.* 16*s.* 4*d.*, being an average of 168*l.* 10*s.* 3*d.*; the curates' salaries to 12,668*l.* 6*s.* 8*d.*, or equal to a yearly average of 603*l.* 5*s.* 1*d.*; and the land agent and receiver of the rents and colliery viewer to 3,341*l.*, being equal to 159*l.* 1*s.* 10*d.* per annum. There have been of late years six curates, with salaries amounting as under:—St. Thomas Chapel (Skipsey), 200*l.*; Deptford (Bulmer), 150*l.*; Ryhope (Wilson) 103*l.* 6*s.* 10*d.*; the senior curate (Leefe), 200*l*,; second curate, (Akenhead), 150*l.*; third curate (Carey), 100*l.*; Hylton (Law), 68*l.*; being a yearly gratuity given by the late Dr. Wellesley to that chapel, which is in the presentation of — Gray, Esq. The lowest salary ever paid by the late Dr. Wellesley to any of his curates was 100*l.* per annum, and none of them ever received any assistances from the diocesan or other charitable Christian society. The average income of the rectory, during his incumbency, was as follows: Gross receipts (on 21 years' average) 3,463*l.* 10*s.* 9*d.*; deduct 930*l.* 17*s.* 2*d.* (rates, 168*l.* 10*s.* 3*d.*); curates' salaries, 603*l.* 5*s.* 1*d.*; agency, 159*l.* 1*s.* 10*d.*; net average income, 2,532*l.* 13*s.* 7*d.* In addition to the above deductions, there was an annual outlay for repairs to the farm-buildings; and his subscriptions to the parochial schools (many of which were entirely supported by himself), and to other public charities, amounted to not less than 300*l.* per annum; but the latter being voluntary I have not stated them in particular."

The gentleman who wrote this gave him permission to make what use he pleased of the document, and stated that he would be anxious to give any further information upon the subject that would be required. He thought it right, for the vindication of the individual now no more, to make this statement, which he was sure would be deemed most satisfactory by the House.

MR. HORSMAN regretted that he was not aware of the intention of the noble Viscount the Member for the county of Down to make the statement which he had just addressed to the House, or he would have come down with documents in answer to the paper which had been put into the noble Viscount's hand, and which rested upon the authority of parties with whom he believed the noble Viscount was acquainted. He (Mr. Horsman) believed that his statement was far more likely to be a correct one than that read by the noble Viscount; he, therefore, adhered to it. The Viscount was mistaken on some points. The noble Viscount had stated that he had asserted that Dr. Wellesley's income from this living was 4,400*l.* eighteen years ago. The statement which he made was, that it appeared to him, from the minute details which had been shown him, that the income of it probably amounted to nearly 5,000*l.* a year, if it was not above that amount; but, the sum which he really put it at was 4,400*l.*, and he had stated that the correctness of this was rendered more probable because the return of the net income of the living, given eighteen years ago by Dr. Wellesley himself, was 2,800*l.*; and, in addition to this, the noble Lord at the head of the Government stated that 1,600*l.* a year was paid by him for parochial purposes: these sums, added together, made 4,400*l.* This was the income eighteen years ago; but since then several new coal fields had been opened. He adhered to his statement, notwithstanding the statement which had just been read by the noble Viscount, which omitted several points which he had mentioned on a former occasion. The noble Viscount said that he (Mr. Horsman) had asserted that the curates of this parish had obtained assistance from the diocesan funds and from local societies. What he said was, that some assistance had been given to them by the Diocesan Society. He would put into the noble Viscount's hands the documents upon which he relied; and he believed that the noble Viscount would admit they were better authorities than the letter which had been read by him. The noble Viscount was quite mistaken in supposing that Dr. Wellesley required any defence of his character in consequence of what had fallen from him. He required nothing of the kind. He had made no attack upon him, and his character required no vindication. [*A cry of* "Order!"] He was aware that he was out of order; but as the House had allowed the noble Viscount to make a statement, he trusted that he should be allowed to make a few observations, as he had been so directly alluded to. He, however, had only to add, that he believed he had stated the correct amount of the income, notwithstanding the authority to the contrary of the agent of the Bishop of Durham, from whom the noble Viscount obtained his information.

Subject dropped.

SUPPLY.

Lord J. RUSSELL, in moving the Order of the Day, observed, that they only intended to ask for a few votes on account, for civil services and for civil contingencies; and he did not intend to propose that they should go that night into the Navy Estimates. He, therefore, put it to those hon. Gentlemen who had notices of Motion on the Paper previous to going into Committee of Supply, to postpone them for the present.

Mr. ANSTEY said, that he had so often postponed a Motion which he had on the Paper, respecting Van Diemen's Land, that he could not consent to do so on that occasion; it would not, however, take up much time in the discussion.

Lord J. RUSSELL remarked, that all that he asked was that they should go into Committee of Supply to obtain a few votes on account. He hoped that the hon. Gentleman would allow them to do so for that purpose, as postponing it would interfere with the public business.

Mr. ANSTEY said, that as the feeling of the House appeared to be in favour of postponing the subject, he would not persist.

The House then resolved itself into a Committee of Supply, Mr. Bernal in the chair.

THE NEW HOUSES OF PARLIAMENT.

On the Vote of 50,000*l.* being proposed on account of the New Houses of Parliament,

Mr. B. OSBORNE wished to draw the attention of the Chancellor of the Exchequer, as well as that of the hon. Member for Montrose, to this vote for the new Houses of Parliament. They were now regularly called upon, year after year, to vote increased sums for these buildings. If the Financial Reform Association at Liverpool, instead of troubling themselves so much about soldiers' coats, would take up the question as to the expenditure on the erection of the new Houses of Parliament, they would do much good. He believed the hon. Member for Lancaster knew as little about the progress of the buildings as any other Member of that House. According to the original contract with Mr. Barry, it was agreed that the remuneration that he should receive for the completion of the buildings should be 25,000*l.*; but now Mr. Barry disavowed this agreement. He would warn the Chancellor of the Exchequer, if they went on in this way year after year, the contract would be broken, and Mr. Barry would have a right to call for a much larger remuneration than he originally consented to receive. He wished the Chancellor of the Exchequer to make a statement without delay, as to what would be the cost of these buildings. Already the expenditure upon them had nearly doubled the estimate, and they had no means of learning how much more would be required to finish them. He had heard it stated that an architect of eminence had said that they could not be finished under less than 3,500,000*l.* It would be far better for the Chancellor of the Exchequer at once to raise a large sum of money—say, for instance, 800,000*l.*—and at once finish them. By persisting in the present system, they not only incurred a large expenditure for the architect, but also for the occupation of houses, in consequence of there not being sufficient room at present in the new buildings.

Mr. HUME thought that they had arrived at a period when they should come to some final decision on the subject of these new buildings. Last year, in consequence of the system pursued by the architect, a Commission had been appointed to control the expenditure; and they should have had before this some report from the Commissioners, as to what had been done, and as to what was to be done; for he understood that they allowed the architect to do just what he pleased, and to build up one day and pull down the next. They should at once have a report, specifically stating what had been done, and what remained to be done. He did not think that they were justified in acceding to this vote of 50,000*l.*, until they had a direct return such as he had described.

Mr. GREENE assured the hon. Member for Montrose that there was a strong desire on the part of the Commissioners to forward the progress of the building as rapidly as possible; but they could not proceed so rapidly as they wished, as the Chancellor of the Exchequer could not advance them such large sums of money as they should require for the purpose. With respect to the report which the hon. Gentleman called for, he could only observe that it was being prepared. One report had been sent into the Treasury on the 27th of February, and they were anxious that the return in detail should be appended to the report to be laid before the House. Some circumstances had occurred which prevented the report being furnished as soon as they had wished; but he believed it would be placed on the table in the course of a few days. With regard to the sum now required, he could only say, that they voted last year 130,000*l.* on account of the new Houses of Parliament, out of which 12,000*l.* had to be devoted to repayments, and 24,000*l.* was also expended before the Commission was appointed; therefore they had not a control over the whole expenditure. The commission for Mr. Barry had to be paid, as well as other charges of a miscellaneous character; for instance, there was the salary of Dr. Reid, 1,200*l.*; and the expense of the Commission of the Fine Arts connected with the building of the new Houses was 2,000*l.* He might also mention, that in February there was due to a contractor the sum of 8,000*l.*; therefore, it had become absolutely necessary that a sum of money, on account, should be voted. There would be an expense of about 4,000*l.* a month for the progress of the building.

Mr. SPOONER quite agreed in the observations which had been made by the hon. Member for Montrose and the hon. Member for Middlesex. He strongly objected to such large sums of money being laid out on temporary buildings, which they were obliged to occupy in consequence of the New Houses being so slowly proceeded with. Surely the Chancellor of the Exchequer could raise a sufficient sum of money for the completion of the buildings by Exchequer-bills, which would be much more economical than their present system. At present they were always going from some new work to another, and leaving a great portion unfinished. With respect to one remark that had fallen from his hon. Friend the Member for Lancaster, he felt bound to say, that he did not believe that any contractor, unless he made a most exorbitant profit, would allow 8,000*l.* to remain over due to him. It was quite time that the House should require from the Commissioners a much more specific report as to these buildings than they had hitherto received.

Mr. GREENE said, that he did not state that the 8,000*l.* was in arrear, but it was now due to the contractor.

Sir H. WILLOUGHBY wished the House distinctly to be informed as to what would be the probable expense of these buildings. He also wished to know whether the Commissioners possessed the power of contracting the expenditure? More than a million of money had already been spent on the buildings, and he understood that the Commissioners last year stated that it would require three years to complete them.

Mr. GREENE replied, that, with regard to all matters of expenditure, the Commissioners were bound to report to the Treasury, and they could not order any expenditure without the sanction of that department.

Sir DE LACY EVANS wished to know what would be the cost of the useful, and what the cost of the ornamental, parts of the building. There was a strong feeling abroad that the greater portion of the expenditure was absorbed in the ornamental part of the works. He thought that the House should have some information on this point.

Mr. GREENE observed, that he apprehended that the return which would in the course of a few days be laid on the table would give all the information which the gallant Officer required; but if this should prove not to be the case, he would take care that a further return should be prepared.

Mr. B. OSBORNE had been informed that the miserable squabble between Mr. Barry and Dr. Reid was not over, and as long as that was the case they would never get into the new House of Commons. He would prophesy that this would be the case unless the Chancellor of the Exchequer determined to put an end to it. He had heard that the hearing in the new House of Commons would be so defective that the Chancellor of the Exchequer would not be able to make himself heard, unless by those on the benches quite close to him.

The CHANCELLOR of the EXCHEQUER believed that the squabble was still going on, and he felt no disposition to interfere in the matter. He was rather surprised at the desire expressed by his hon. Friend the Member for Middlesex, calling upon him at once to complete the new buildings; but this could not be accomplished without borrowing money. In conformity with the oft-expressed wishes of his hon. Friend on former occasions, he had endeavoured in the present year to keep the expenditure within the income; and not only as regarded the Army, Navy, and the Ordnance, but the Miscellaneous Estimates, and that for building the new Houses of Parliament. He believed that this was the best system that could be pursued in the regulation of the finances of the country. As for the information which was required, he thought that the hon. Gentleman and the House should be provided with it, and this should be done before they were called upon to vote the whole estimate, this being only a vote on account. When the return alluded to by his hon. Friend the Member for Lancaster was laid on the table, he believed it would furnish all the information which was required. It was perfectly right that the estimates, and an account of the progress of the buildings, should be laid before the House, and there was no disposition on the part of the Government, or the Members of the Commission, to withhold any information on the subject. With regard to the building itself, he found that some contracts for the exterior works were now in progress, and could not be stopped without great injury; but as soon as this contract was completed, he hoped progress would be made with the interior works. The money which would be expended next year would be applied to the more useful works.

Captain BOLDERO stated that he, with some other Members, formed the Committee on a private Bill which had excited considerable interest in the City, and they were sitting in one of the new committee rooms. During the last three weeks the smoke in it had been so annoying to them that they had been obliged to open the windows, and the Members had to sit in their great coats; and, as regarded himself, he had caught a severe cold. The ventilation of the room was bad in the extreme, and must be most injurious to the Members of the Committee, as well as to the other persons present, and the room was generally full. If any one retired from the room, and returned in five minutes, he would find the smell to be intolerable, and he could only compare it to that of bilge-water in an open sewer. He wished to know whether this was the last vote for the New Houses to be taken in the present year?

The CHANCELLOR of the EXCHEQUER replied, that this was only a vote on account.

Mr. GREENE observed, that the ventilation of the committee rooms was originally intrusted to Dr. Reid; but some time ago they were placed under the control of Mr. Barry. Mr. Barry since then had not had time to complete the ventilation of these rooms; but, no doubt, within a very short time he would be able to complete the ventilation, and thus improve the air as well as the warming of these rooms.

Mr. EWART stated, that he had lately served on the Committee to which the Insolvent Members Bill had been referred, and they had sat in one of the new committee rooms; but the reverberation was so great that in point of fact they could not hear each other speak across the table.

Mr. GREENE believed, that this was a matter in which the Commissioners could not interfere. He had been informed that they would be able to prevent the reverberation of sound by placing floss paper on the walls of those rooms.

The Vote was then agreed to.

The next Vote was 10,000*l.*, on account, towards defraying law charges and other expenses of prosecutions.

Agreed to.

CONSULAR ESTABLISHMENTS.

On the Vote of 50,000*l.*, on account, towards defraying the charge for Ambassadors and Consular establishments abroad being proposed,

Mr. HUME said, that he would take that opportunity of calling upon Her Majesty's Government to consider the strange state of Europe. It was the custom, he believed, that when a Minister was sent to the Court of this country, a Minister of corresponding rank and allowance was sent to the Court from whence he came; but he now understood that at present half the Ministers representing Courts abroad were only of the second or third ranks, while those sent from this country were of superior rank. He did not rise to go into the subject then, but he believed a reduction of one-half this charge might be made with advantage. He threw out this as a suggestion by which the Government might reduce the public expenditure.

Lord JOHN RUSSELL thought it was rather too early to say what changes should be made in our consular establishments, in consequence of what had occurred on the Continent.

The vote was then agreed to.

A Vote of 50,000*l.*, on account, was agreed to towards defraying the charge for civil contingencies.

The House then resumed.

Resolutions to be reported To-morrow.

POOR LAWS (IRELAND)—RATE IN AID BILL—ADJOURNED DEBATE (THIRD NIGHT).

Order read, for resuming Adjourned Debate, on Amendment proposed to be made to Question [26th March] "That the Bill be now read a second time;" and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day six months." Question again proposed, "That the word 'now,' stand part of the Question.'"

Debate resumed.

MR. BRIGHT said: I ventured to move the adjournment of the debate on Friday night, because I was anxious to have the opportunity of expressing the opinions which I entertain on this most important subject. I am one of the Committee appointed by this House to inquire into the working of the Irish poor-law, and on that Committee I was one of the majority—the large majority—by which the resolution for a rate in aid was affirmed. In the division which took place on the same proposition in the House, I also voted in the majority. But I am not by any means disposed to say that there are no reasons against the course which I take, or against the proposition which has been submitted to the House by the Government. On the whole, however, I am prepared to-night to justify that proposition, and the vote which I have given for it. As to the project of raising money for the purpose of these distressed unions, I think there can be no doubt in the mind of any Member of the House, that money must come from some quarter. It appears to me a question of life or money. All the witnesses who were examined before the Committee, and the concurrent testimony of all parties in Ireland—of all the public papers—of all the speeches which have been delivered in the course of this debate, go to prove that unless additional funds be provided, tens of thousands of our unfortunate fellow-countrymen in Ireland must perish of famine in the course of the present year. If this be true, it is evident that a great necessity is upon us — a grave emergency which we must meet. I am not prepared to justify the proposition of a rate in aid merely on the ground of this necessity, because it will be said, and justly, that the same amount of funds might be raised by some other mode; but I am prepared to justify the proposition that restricts this rate in aid to Ireland, on the ground that the rest of the united kingdom has, during the past three years, paid its own rate in aid for Ireland; and this to a far larger amount than any call which the Government now proposes to make on the rateable property in Ireland. We have taken from the general taxation of this country—for the purposes of Ireland—in the last two or three years—several millions, I may say not fewer than from eight to ten millions, sterling. We have paid also very large subscriptions from private resources, to the same purpose; the sums expended by the British Association were not less, in the aggregate, than 600,000*l.*, in addition to other large amounts contributed. The Irish, certainly, gave something to these funds; but by far the larger amount was paid by the tax-paying classes of Great Britain. In addition to this special outlay for this purpose, there has been very heavy local taxation incurred by several of the great communities of this island, for the purpose of supporting the pauperism which has escaped from Ireland to Great Britain. In this metropolis—in Glasgow—in Liverpool—and in the great manufacturing town that I have the honour to represent — the overflow of Irish pauperism has, within the last two or three years more especially, occasioned a vast additional burden of taxation. I believe the hon. Member for South Lancashire made some statement in this House on a former occasion with respect to the burden which was inflicted upon Liverpool by the Irish paupers, who constantly flow into that town. As to Glasgow, the poor-rate levied last year in the city parish alone, amounted to 70,000*l.*; and this year, owing to the visitation of cholera and the poverty thereby engendered, there will be an additional assessment of 20,000*l.* The city parish contains only about 120,000 or 130,000 of the 280,000 residents in the mass of buildings known by the general name of Glasgow. Of the sum levied as poor-rate in the city parish, it is estimated that, on an average, two-thirds are spent upon Irish paupers. And the ranks of these Irish paupers are recruited but to a comparatively small extent from the Irish workmen, who have been, with their families, attracted by, and who have found employment in, the numerous manufactories of Glasgow. The Irish paupers, upon whom two-thirds of the Glasgow poor-rates are spent, are principally squalid and destitute creatures who are brought over as deck passengers, clustering like bees to the bulwarks and rigging, by almost every steamer that sails from a northern Irish port. With respect to the town of Manchester, I am able to give some more definite particulars as to the burthen imposed upon the inhabitants for the support of the Irish casual poor. In the year 1848, the sum expended in the relief of the settled poor, which term includes the resident Irish who are not distinguished by name from the English, amounted to 37,847*l.* The sum expended for the relief of the non-settled English paupers in the town of Manchester, in the year 1848, was 18,699*l.* The amount expended for the relief of casual Irish poor alone was 28,007*l.* The total assessment of Manchester is 647,568*l.*, which, if divided by the amount required to relieve the casual Irish poor —would amount to a rate of 10½*d.* in the pound upon every pound of rateable property in the town of Manchester; but if estimated according to the property really rated, as there are great numbers of persons who, from poverty, do not pay the poor-rates on the property they occupy; the amount of assessment for the relief of the casual Irish poor alone will be from 15*d.* to 18*d.* in the pound, and the charge upon the ratepayers of Manchester for the relief of the Irish casual poor during the last year is not less than 2*s.* 1*d.* per head upon the whole population of that town. Now, during the last year, Manchester had to struggle with very severe difficulties, and the manufacturers there suffered most acutely from various causes—the failure of the cotton crop of 1846, the panic in the financial and commercial world in 1847, the convulsions in the European States in 1848—all contributed to bring upon Manchester enormous evil; and in addition to this we had to bear an additional burden of 28,000*l.* for the maintenance of the casual Irish poor. I have here an analysis of the poor-rates collected in Manchester during the last four years, and I will briefly state the results to the House. In the year 1845 the amount of rates collected expressly for the relief of the casual Irish poor was 3,500*l.* In 1846 the cost of the casual Irish poor imposed a burden upon Manchester of 3,300*l.*; in 1847 of 6,558*l.*; and in 1848 this item of expenditure reached the enormous sum of 28,007*l.* Now the people of Manchester have uttered no loud or clamorous complaints respecting this excessive burden borne by them for the support of the Irish. They have sent no urgent deputations to the Government on the subject of this heavy expense. But, seeing that they have paid this money for the relief of Irish paupers, and seeing also that the smaller manufacturing and other towns in England have also paid no small sums for Irish paupers, they do think, and I here express my conviction that it will be seen and admitted, that we have paid our rate in aid for the relief of Ireland, and that it does become the landowners and persons of property in that country to make an effort during a temporary period to supply that small sum which is by this Bill demanded of them. He would now say a few words regarding the province of Ulster. An hon. Gentleman opposite, the Member for Londonderry, who had made a not very civil speech, so far as it regarded persons who entertained the same opinions generally which he (Mr. Bright) professed, seemed to allege that there was no party so tyrannical as those who wished to carry this rate in aid, and that no body of men on earth were so oppressed as the unfortunate proprietors of Ulster. [Mr. BATESON: The farmers of Ulster.] He had made a calculation, the result of which was, that, with the population of Ulster, a 6*d.* rate would be 82,000*l.* a year, or 164,000*l.* for the two years during which they would be required to pay towards the support of their fellow-countrymen in the south and west. If he were an Ulster proprietor, he would not have raised his voice against such a proposition, because it was not a state of things of an ordinary character, nor were these proprietors called upon to do that which nobody else had done before them. Neither were they called upon before other sources had been applied to. Had he been an Ulster proprietor he would rather have left that House than have taken the course they had pursued in denouncing this measure. As to the farmers of Ulster, they would not have raised this opposition had they not been instigated to do so by hon. Members in that House, and by the proprietors in that province, whom they represented. It appeared by the reports of the inspectors under the poor-law, that where there had been a difficulty in collecting rates, and the people had refused to pay, they had followed the example of the higher and landlord class; and the conduct of that class in many cases had been such as to render the collection extremely difficult. [Mr. Bateson: Not in Ulster.] He did not speak of Ulster particularly in that instance, but the case had been so in other places; but happily for Ulster the burden had not proved so serious in that province. I have heard a good deal said respecting the resignation of Mr. Twisleton, who preferred giving up his situation to supporting the rate in aid. But the reasons assigned by Mr. Twisleton destroy the importance of his own act. He did not insist upon the question whether Ulster was able to bear the rate in aid; but his objection was that Ulster was Ulster, and more Ulster than it was Ireland. He said Ulster preferred being united with England, rather than with Leinster, Connaught, and Munster—in short, that Ulster was unwilling to be made a part of Ireland. Now, if this Bill can succeed in making Ulster a part of Ireland in interests and sympathies, I think it will be attended with a very happy result, and one that will compensate for some portion of the present misfortunes of Ireland. But the hon. Member also, in another part of his speech, charged the Government with having caused the calamities of Ireland. Now, if I were the hon. Member, I would not have opened up that question. My opinion is, that the course which Parliament has taken with respect to Ireland for upwards of a century, and especially since the Union, has been in accordance with the wishes of the proprietors of the land of that country. If, therefore, there has been misgovernment in Ireland during that period, it is the land which has influenced it, and the landowners are responsible. I do not mean to say that the House of Commons is not responsible for taking the evil advice which you landowners of Ireland have proffered; but what I mean to assert is, that this advice has been almost invariably acted upon by the Government. This it is which has proved fatal to the interests of Ireland; you Ulster men have stood in the way of improvements in the franchise, in the Church, and in the land question; you have purchased Protestant ascendancy, and the price paid for it is the ruin and degradation of your country. So much for the vote which I am about to give in support of the rate in aid. In the next place, I must observe that if an income tax were to be substituted for a rate in aid, I think I could show substantial reasons why it would not be satisfactory. In the first place, I take an objection to the imposition of an income tax for the express purpose of supporting paupers. This, I apprehend, is a fatal objection at the outset. I understand that there has been a document issued by a Committee in another place, which has reported favourably for the substitution of an income tax in lieu of the rate in aid. I always find that the proposition which is brought forward by the Government, if for a new tax, is the one which is disliked, and I conclude, that if instead of the rate in aid an income tax for Ireland had been proposed, that would have been repudiated with quite as much vigour as the proposition now before the House. And now I will address a few words to the general question of Ireland, which I think may be fairly entered upon in this debate after the speech of the right hon. Baronet the Member for Tamworth. What have we been doing all the Session? With the exception of the Jewish Oaths Bill, and the navigation laws, our attention has been solely taken up with Irish matters. From the incessant recurrence of the Irish debate, it would seem that the wrongs and evils endured by the Irish people are incurable, or else that we lack statesmen. I always find that, whoever happens to sit on the other side of the table, always has some scheme to propose for the regeneration of Ireland. The noble Lord on the Treasury bench had his schemes for that purpose when he was seated opposite. The right hon. Baronet the Member for Tamworth now has his scheme to propose, and if he can carry it out, he will not only have the universal wishes of the nation in his favour, but the noble Lord also who is at the head of the Government will not, I am sure, object to give way to any man who will settle the Irish question. But the treatment of this Irish malady remains ever the same. We have nothing for it still but force and alms. You have an armed force there of 50,000 men to keep the people quiet, and large votes are annually required to keep the people alive. I presume the government by troops is easy, and that the—

> "Civil power may snore at ease,
> While soldiers fire—to keep the peace."

But the noble Lord at the head of the Government has no policy to propose for Ireland. If he had, we should have been told by him what it is. The poor-law as a means of regenerating Ireland is a delusion. So is the rate in aid. I do not believe in the regenerating power either of the poor-law or of the rate in aid. There may occur cases where farmers will continue to employ labourers for the mere purpose of preventing them from coming on the poor-rates, but those are exceptions. If the desire of gain will not cause the employment of capital, assuredly poor-rates will not. A poor-law adds to pauperism, by inviting to idleness. It drags down the man who pays, and demoralises him who receives. It may expose, it may temporarily relieve, it will increase, but it can never put an end to pauperism. The poor-law and the rate in aid are, therefore, utterly unavailing for such a purpose. It is the absence of all demand for labour that constitutes the real evil of Ireland. In the distressed unions, a man's labour is absolutely worth nothing. It is not that the Irish people will not work. I casually spoke to an Irish navigator the other day respecting his work, and I asked him why his countrymen did not work in their own country. "Give them 2*s*. 8*d*. a day," said he, "and you will find plenty who will work." There exists in Ireland a lamentable want of employment. The lands there enjoy a perpetual sabbath. If the people of Ireland were set to work, they would gain their subsistence; but if this course is not adopted, they must either continue to be supported out of the taxes, or else be left to starve. In order to show how great is the general poverty in Ireland, I will read a statement of the comparative amount of legacy duty paid in the two countries. In England, in the year 1844, the amount of capital on which legacy duty was paid was 44,393,887*l*.; in Ireland, in 1845, the amount of capital on which legacy duty was paid, was 2,140,021*l*.—the population of the latter being nearly one half of the former, whilst the proportion between the capital paying legacy duty is only one-twentieth. In the year 1844, the legacy duty paid in England was 1,124,435*l*., with a population of 16,000,000. In Scotland it was 74,116*l*., with a population of 3,000,000, whilst Ireland paid only 53,618*l*. with a population of 8,000,000. These facts offered the strongest possible proofs of the poverty of Ireland. On looking over the reports of the poor-law inspectors, I find them teeming with statements of the wretchedness which prevailed in the distressed districts of Ireland. The general character of the reports was, that starvation was, literally speaking, gradually driving the population into their graves. The people could not quit their hovels for want of clothing, whilst others could not be discharged from the workhouses owing to the same cause. Men were seen wearing women's apparel, not being able to procure proper clothing; whilst, in other instances, men, women, and children were all huddled together under bundles of rags, unable to rise for lack of covering; workhouses and prisons were crowded beyond their capacity to contain, the mortality being very great in them. Persons of honest character committed thefts in order to be sent to prison, and some asked, as a favour, to be transported. Now, I know of nothing like this in the history of modern times. The only parallel I can find to it is in the work of the great German author (Mosheim), who wrote so ably on the institutes of the Christian religion, wherein, speaking of the inroads of the barbarians into the Roman empire in the 5th century, he says that in Gaul, the calamities of the times drove many to such madness, that they wholly excluded God from the government of the world, and denied his providence over human affairs. It would almost appear that this state of things is now to be seen in Ireland. The prisons are crowded, the chapels deserted, society is ruined, and disorganised; labour is useless, for capital is not to be had for its employment. The reports of the inspectors say that this catastrophe has only been hastened, and not originated, by the failure of the potato crop during the last four years, and that all men possessed of any intelligence must have foreseen what would ultimately happen. This being the case, in what manner are the Irish people to subsist in future? There is the land, and there is labour enough to bring it into cultivation. But such is the state in which the land is placed, that capital cannot be employed upon it. You have tied up the raw material in such a manner — you have created such a monopoly of land by your laws and your mode of dealing with it, as to render it alike a curse to the people and to the owners of it. Why, let me ask, should land be tied up any more than any other raw material? If the supply of cotton wool were limited to the hands of the Browns and the Barings, what would be the condition of the Lancashire manufactories? What the maufactories would be under such a monopoly, the land in the county of Mayo actually is under the system which prevails with respect to it in Ireland. But land carries with it territorial influence, which the Legislature will not interfere with lest it should be disturbed. Land is sacred, and must not be touched. The right hon. Gentleman the President of the Board of Trade will understand what I mean when I allude to the Land Improvement Company which the Legislature is ready to charter for Ireland, but which it fears to suffer to exist in England, lest the territorial influence which ever accompanies the possession of landed estates should be lost or diminished. But one of the difficulties to which a remedy must be applied is the defective titles, which cannot easily be got over under the present system of entails. This is one of the questions to which the House of Commons must very soon give its serious attention. Then there comes the question of settlements. Now, I do not mean to say there ought not to be any settlements made; but what I mean to say is, that they are so bound up and entangled with the system of entails as to present insuperable difficulties in the way of dealing with land as a marketable commodity. I have here an opinion which I will read to the House, which I find recorded as having been given by an eminent counsel; it is quoted in Hayes' work on Conveyancing, and the opinion was given on the occasion of a settlement on the marriage of a gentleman having a fee-simple estate:—

> "The proposals extend to a strict settlement by the gentleman upon the first and other sons of the marriage. It will appear from the preceding observations, that where the relative circumstances are such as in the present case, a strict settlement ef the gentleman's estate does not ordinarily enter into the arrangement, which begins and ends with his taking the lady's fortune, and imposing an equivalent pecuniary charge upon his estate (for her personal benefit). The proposals seldom go further, unless there is hereditary rank or title to be supported, or it is in contemplation to found a family. The former of those circumstances do not exist in this case, and the latter would require the settlement of the bulk of the estates. The policy of such settlements is extremely questionable. It is difficult to refer them, in the absence of both the motives already indicated, to any rational principle. The present possessor has absolute dominion; his character is known, his right unquestionable. He is asked to reduce himself to a mere tenant for life in favour of an unborn son, of whose character nothing can be predicated, and who, if he can be said to have any right, cannot possibly have a preferable right. At no very distant period the absolute dominion must be confided to somebody—and why should confidence be reposed in the unborn child rather than the living parent? Such a settlement has no tendency to protect or benefit the father, whose advantage and comfort ought first to be consulted. It does not shield him from the consequences of his own imprudence. On the contrary, if his expenditure should in any instance exceed his income, he—as a mere tenant for life—is in danger of being obliged to borrow on annuity, a process which, once begun, proceeds generally and almost necessarily to the exhaustion of the life income. The son may be an idiot or a spendthrift. He may be tempted to raise money by *post obit.* If to these not improbable results we add all the family feuds generated between the tenant for life and remainder-man, in regard to the management and enjoyment by the former of that estate which was once his own, particularly with reference to cutting timber, the disadvantages of thus fettering the dominion will appear greatly to preponderate. At best a settlement is a speculation; at worst it is the occasion of distress, profligacy, and domestic discord, ending not unfrequently, as the Chancery reports bear witness, in obstinate litigation, ruinous alike to the peace and to the property of the family. Sometimes the father effects an arrangement with his eldest son on his coming of age; the son stipulating for an immediate provision in the shape of an annuity, the father for a gross sum to satisfy his creditors, or to portion his younger children, and for a re-settlement of the estate. This arrangement, perhaps, is brought about by means, or imposes, terms, which, in the eye of equity, render it a fraud upon the son; and here we have another source of litigation."

Now, what I have here read is exactly that which everybody's experience tells us is the fact, and we have recently had a notable case which exactly answers to that referred to in the last paragraph of this opinion. The practice of making settlements of this description is mischievous—leads to endless litigation—and sooner or later the landed classes must sink under it. The Irish proprietors have also another difficulty to contend with, and that is their extravagance. It is said—for I cannot vouch for the fact myself—that they keep too many horses and dogs. I do not mean to say that an Irish gentleman may not spend his rents as he pleases; but I can only observe, that he cannot both spend his money and have it too. I think if they cast their pride on one side, and went honestly to work—if instead of their young men spending their time "waiting for a commission," they were to go into business, they would be far better and more usefully employed, and they would find that the less humiliating condition of the two. Another bane of Ireland is the prevalence of life interests in landed property there. Under such a system the land can neither be improved nor sold. Now what has the noble Lord at the head of the Government done towards grappling with all these questions? Nothing. Absolutely nothing. I think him very unwise in not propounding to himself the momentous question "What shall be done for Ireland?" The right hon. Baronet the Member for Tamworth has got a plan. He entered upon its outline on Friday last. But I doubt whether it has yet taken that distinct form which it must assume in order that the House may take cognisance of it. I admire some of the measures which the right hon. Baronet intimates he would carry into effect, but there are other parts of his proposals which are vague and impracticable. I think, if it is believed in Ireland that a Commission is to be appointed to take charge of the distressed unions of the south and west—that the whole thing is to be managed through a new department of the Government, and all without the slightest trouble to themselves—that more than ever there will be a clinging to their wretched property of bankrupt estates, and more than ever an indisposition to adopt those measures which are still open to them, in the direction in which the right hon. Baronet wishes to proceed. The right hon. Baronet stated in his first speech on this topic, that he did not wish the transfer of property to be by individual barter; and on Friday he stated that he was very much averse to allowing matters to go on in their natural course, for by that means land would be unnaturally cheapened. Well, but upon what conditions would the right hon. Baronet buy land in Ireland? would it be under the same circumstances, and at the same price, as he would buy an estate in Yorkshire or Staffordshire? If any sane man go to the west and south of Ireland to purchase an estate, he must go on account of the cheapness of the bargain—a cheapness which he hopes will compensate him for all the disadvantages to which in such a purchase he must necessarily be subjected; and there can be no redemption for that part of Ireland—if it is to be through the transfer of land—except the land take its natural course, and come so cheap into the market that Englishmen and Scotchmen, and Irishmen too having capital, will seize it with avidity, notwithstanding all its disadvantages. [Colonel DUNNE: Hear, hear!] The hon. Member for Portarlington cheers that, as if it were an extraordinary statement. If the hon. and gallant Member prefers purchasing what is dear to what is cheap, why, then, he is not a very sensible man to legislate for Ireland. If he thinks that a man will go into Galway and pay as much per acre for an estate as he would in England, he is much mistaken; but the fact is, I believe, that not only English and Scotch capital, but that much Irish capital also, would be expended in the purchase of estates in the south and west, if the ends which the right hon. Baronet has in view were facilitated by this House. But we have a case in point which affords us some guidance upon this question, and it is a case with which the right hon. Baronet the Member for Tamworth, and the right hon. Baronet the Member for Ripon, are very familiar. I allude to the case of Stockport in 1842. Owing to a variety of circumstances—I won't go into the question of the corn law, as that is settled—but owing to a variety of circumstances, from 1838 to 1842 there was a continued sinking in the condition of Stockport—its property depreciated to a lamentable extent. One man left property, as he thought, worth 80,000*l.* or 90,000*l.* In two years after it sold for little more than 20,000*l.* Since that time the son of one person, then supposed to be a person of large property, has had relief from the parochial funds. In 1842 the amount of the poor-rate averaged from 7*s.* to 8*s.* in the pound. From November 4, 1841, to May 30, 1842, the rates levied were 6*s.* in the pound, realising the amount of 19,144*l.* From January 28, 1843, to August 2 of the same year, the rates levied were 7*s.* in the pound, and the amount raised 21,948*l.* And bear in mind that at that time Stockport was in process of depopulation—many thousands quitted the place—whole streets were left with scarce a tenant in them—some large public-houses, previously doing a good business, were let for little more than their rates; in fact, Stockport was as fair a representative of distress amongst a manufacturing community, as Mayo, Galway, or any western county of Ireland, can be at this moment, of distress amongst an agricultural community. Now what was done in Stockport? There was a Commission of Inquiry, which the then Home Secretary appointed. They made an admirable report, the last paragraph of which ought to be read by every one who wishes to know the character of the people of Stockport. Mr. Twisleton, speaking of them, said that they were a noble people; and truly the exertions which they made to avoid becoming chargeable upon the rates were heroic. Well now, all this suffering was going on—the workhouses were crowded, the people were emigrating, there was a general desolation, and if it had not been for the harvest of 1842, which was a good one, and the gradual recovery of trade which followed, nothing in Ireland could be worse than the condition of Stockport would have been. What was the result? Property was so much depreciated that it changed hands. Something like half the manufacturers failed, and, of course, gave up business altogether. My hon. Friend the Member for Stockport purchased property in that borough at this period, and since then he has laid out not far short of a hundred thousand pounds, in a very large manufacturing establishment in that town. In fact, the persons who are now carrying on the manufacturing business in Stockport are of a more substantial character than those who were swept away by the calamities of 1842. Well, it is a very sorrowful process. I can feel as much for those persons as any man; but we must all submit to circumstances such as those when they arrive. There are vicissitudes in all classes of society, and in all occupations in which we may engage; and when we have, as now, in Ireland, a state of things — a grievous calamity not to be equalled under the sun, it is the duty of this House not to interfere with the ordinary and natural course which circumstances take upon such occasions, and not to flinch from what is necessary for the safety of the people from any mistaken sympathy either with the owners of cotton mills or the proprietors of landed estates. Now, I want Parliament to remove every obstacle in the way of the free sale of land. I believe that in that lies the only security you have for the restoration of the distressed districts of Ireland. The question of a Parliamentary title is most important; but I understand that the difficulty of this arises from the system of entails beyond persons now living, because you must go back to a long search of sixty years before you can make it quite clear that the title is absolutely secure. The right hon. Baronet the Member for Tamworth suggested that the Lord Chancellor should be ousted. Well, that's a very severe process. I proposed last year that there should be a new court established in Ireland for the adjudication of cases connected with land, and for no other purpose, and that it should thus relieve the present courts from much of the business with which they were now encumbered. But I do not say that even such a court would effect much good, unless it were very much more speedy in its operations than the existing courts. I believe that the present Lord Chancellor is admitted to be as good a Judge as ever sat in the Court of Chancery; but he is rather timid as a Minister, and inert as a statesman; and, if I am not mistaken, he was in a great measure responsible for the failure of the Bill for facilitating the sale of encumbered estates last Session. The Government must have known, as well as I do, that that measure could not succeed, and that the clause which was introduced —on the third reading, I believe—made it impossible to work it. There is another point, with regard to intestate estates. I feel how tenderly one must speak upon a question like this. Even the right hon. Member for Tamworth, with all his authority, appeared, when touching on this delicate question of the land, to be walking upon eggs which he was very much afraid of breaking. I certainly never heard the right hon. Gentleman steer through so many sinuosities in a case; and hardly, at last, dared he come to the question, because he was talking about land — the sacred land! We are all in a mistake about land: I was so myself once to some extent; but I have lived to get through it. I believe land to have nothing peculiar in its nature which does not belong to other property; and everything that we have done with the view of treating land differently from other property has been a blunder—a false course which we must retrace—an error which lies at the foundation of very much of the pauperism and want of employment which so generally prevails. Now, with regard to intestate estates, I am told that the House of Lords will never repeal the law of primogeniture; but I don't want them to repeal the law of primogeniture in the sense entertained by some people. I don't want them to enact the system of France, by which a division of property is compelled. I think that to force the division of property by law is just as contrary to sound principles and natural rights as to prevent its division, as is done by our law. If a man choose to act the unnatural and absurd part of leaving the whole of his property to one child, I should not, in that particular, certainly, look with respect upon his memory; but I would not interfere to prevent the free exercise of his will. I think, however, if a man die by chance without a will, that it is the duty of the Government to set a high moral example, and to divide the property equally among the children of the former owner, or among those who may be said to be his heirs—among those, in fact, who would fairly participate in his personal estate. If that system of leaving to the only son were followed out in the case of personalties, it would lead to immediate confusion, and, by distroying the whole social system, to a perfect anarchy of property. Why, then, should that course be followed with regard to land? The repeal of that law would not of necessity destroy the custom; but this House would no longer give its sanction to a practice which is bad; and I believe that gradually there would be a more just appreciation of their duties in this respect by the great body of testators. Then, with regard to life interests; I would make an alteration there. I think that they should be allowed to grant leases — of course, only on such terms as should ensure the successor from fraud—and that estates should be permitted to be charged with the sums which were expended in their improvement. Next, with regard to the registry of land. In many European countries this is done; and high legal authorities affirm that it would not be difficult to accomplish it in this country. You have your ordnance survey. To make the survey necessary for a perfect registry of deeds throughout the kingdom, would not cost more than 9*d*. an acre; and if you had your plans engraved, it would be no great addition to the expense. There can be no reason why the landowners should not have that advantage conferred upon them, because, in addition to the public benefit, it would increase the value of their lands by several years' purchase. Mr. Senior stated, that if there were the same ready means for the transfer of land as at present existed for the transfer of personalty, the value of land would be increased, if I mistake not, by nine years' purchase. This is a subject which I would recommend to the hon. Member for Buckinghamshire, now distinguished as the advocate of the landed interest. Then with regard to stamps, I think that they might be reduced, at any rate for a number of years, to a nominal amount. In fact, I would make any sacrifice for the purpose of changing land from the hands of insolvent and embarrassed owners into those of solvent persons, who would employ it in a manner usefully and advantageously to the country and themselves. There is another proposition with regard to the waste lands of Ireland. The Government made a proposal last year for obtaining those waste lands, and bringing them into cultivation. That I thought injudicious. But they might take those lands at a valuation, and, dividing them into farms and estates of moderate size, might tempt purchasers from different parts of the united kingdom. By such means I believe that a large proportion of the best of the waste lands might be brought into cultivation. I believe that these are the only means by which capital can be attracted to that country. The noble Lord at the head of the Government proposes to attract capital to Ireland by a maximum rate and a charge upon the unions. If that maximum rate be all you have to propose, there will be no more probability of capital flowing into those parts of Ireland where it is so much required, than there were at the time when a poor-rate was unknown. The right hon. Gentleman the Member for Tamworth spoke about emigration; and I think that he was rather unjust, or at least unwise, in his observations with regard to voluntary emigration. Things that are done voluntarily are not always done well; neither are things that are done by the Government; and I know many cases where Government undertakings have failed as eminently as any that have been attempted by private enterprise. But it does not appear to me that there is much wisdom in the project of emigration, although I know that some hon. Gentlemen from Ireland place much faith in it as a remedy. I have endeavoured to ascertain what is the relation of the population to the land in Ireland, and this is what I find. In speaking of the Clifden union, the inspectors state—

> "In conclusion, we beg to offer our matured opinion that the resources of the union would, if made available, be amply sufficient for the independent support of its population."

Mr. Hamilton, who was examined before the Committee of which I am a Member, said, speaking of the unions of Donegal and Glenties—

> "There is no over-population, if those unions, according to their capabilities, were cultivated as the average of English counties, with the same skill and capital."

And Mr. Twisleton said—

> "I did not speak of a redundant population in

reference to land, only to capital. The land of Ireland could maintain double its present population." Then, if that be the case, I am not quite certain that we should be wise in raising sums of money to enable the people to emigrate. The cost of transporting a family to Australia, or even to Canada, is considerable; and the question is, whether, with the means which it would require to convey them to a distant shore, they might not be more profitably employed at home. I probably shall be told that I propose schemes which are a great interference with the rights of property. My opinion is that nothing can be a greater interference and infringement of the rights of property than the laws which regulate property now. I think that the landowners are under an impression that they have been maintaining great influence, political power, an hereditary aristocracy, and all those other arrangements which some think should never be named without great reverence and awe; that they have been accustomed to look at that, and to fancy that these things are worth the price they pay for them. I am of opinion that the disadvantages under which they labour throughout the united kingdom are extreme; but in Ireland these disadvantages are followed by results not known in this country. You speak of interference with property; but I ask what becomes of the property of the poor man, which consists of his labour? Those 4,000,000 persons who live in the distressed districts, as described by the right hon. Baronet the Member for Tamworth, their property in labour is almost totally destroyed. There they are—men whom God made and permitted to come into this world, endowed with faculties like ourselves, who are unable to maintain themselves, and must either starve or live upon others. The interference with their property has been enormous—so great as absolutely to destroy it. Now, I ask the landlords of Ireland whether, living in the state in which for years they have lived is not infinitely worse than that which I propose for them? Threatening letters by the post at breakfast time—now and then the aim of the assassin—poor's rates which are a grievous interference with the rights of property, and this rate in aid which the Gentlemen of Ulster declare to be directly opposed to all the rights of property—what can be worse? I shall be told that I am injuring aristocratical and territorial influence. What is it in Ireland worth to you now? What is Ireland worth to you at all? Is she not the very symbol and token of your disgrace and humiliation to the whole world? Is she not an incessant trouble to your Legislature, and the source of increased expense to your people, already over-taxed? Is not your legislation all at fault in what it has hitherto done for that country? The people of Ulster say that we shall weaken the Union. It has been one of the misfortunes of the legislation of this House that there has been no honest attempt to make a union with the whole people of Ireland up to this time. We had a union with Ulster, but there was no union with the whole people of Ireland, and there never can be a union between the Government and the people whilst such a state of things exists as has for many years past prevailed in the south and west of Ireland. The condition of Ireland at this moment is this—the rich are menaced with ruin, and ruin from which, in their present course, they cannot escape; whilst the poor are menaced with starvation and death. There are hon. Gentlemen in this House, and there are other landed proprietors in Ireland, who are as admirable in the performance of all their social duties as any men to be found in any part of the world. We have had brilliant examples mentioned in this House; but those men themselves are suffering their characters to be contaminated by the present condition of Ireland, and are undergoing a process which must end in their own ruin; because this demoralisation and pauperisation will go on in an extending circle, and will engulf the whole property of Ireland in one common ruin, unless something more be done than passing poor-laws and proposing rates in aid. Sir, if ever there were an opportunity for a statesman, it is this. This is the hour undoubtedly, and we want the man. The noble Lord at the head of the Government has done many things for his country, for which I thank him as heartily as any man—he has shown on some occasions as much moral courage as it is necessary, in the state of public opinion, upon any question, for a statesman to show; but I have been much disappointed that, upon this Irish question, he has seemed to shrink from a full consideration of the difficulty, and from a resolution to meet it fairly. The character of the present, the character of any Government under such circumstances, would be at stake. The noble Lord cannot, in his position, remain inactive. Let him be as innocent as he may, he can never justify himself to the country, or to the world, or to posterity, if he remains at the head of this Imperial Legislature and still is unable, or unwilling, to bring forward measures for the restoration of Ireland. I would address the same language also to the noble Lord at the head of the Irish Government, who has won, I must say, the admiration of the population of this country for the temper and mode in which he has administered the government of Ireland. But he must bear in mind that it is not the highest effort of statesmanship to preserve the peace in a country where there are very few men anxious to go to war, and to preserve the peace, too, with 50,000 armed men at his command, and the whole power of this empire to back him. All that may be necessary, and peace at all hazards must be secured; but if that distinguished Nobleman intends to be known hereafter as a statesman with regard to his rule in Ireland, he must be prepared to suggest to the Government measures (and to aid in carrying them out) of a more practical and directly operative character than any he has yet initiated. Sir, I am ashamed, I must say, of the course which we have taken upon this question. Look at that great subscription that was raised three years ago for Ireland. There was scarcely a part of the globe from which subscriptions did not come. The Pope, as was very natural, subscribed—the head of the great Mahometan empire, the Grand Seignior, sent his thousand pounds—the uttermost parts of the earth sent in their donations. A tribe of Red Indians on the American continent sent their subscription; and I have it on good authority that even the slaves on a plantation in one of the Carolinas subscribed their sorrowful mite that the miseries of Ireland might be relieved. The whole world looked upon the condition of Ireland, and helped to mitigate her miseries. What can we say to all those contributors, who, now that they have paid, must be anxious to know if anything is done to prevent a recurrence of those calamities? We must tell them with blushes that nothing has been done, but that we are still going on with the poor's rate, and that, having exhausted the patience of the people of England in Parliamentary grants, we are coming now with rates in aid, restricted altogether to the property of Ireland. That is what we have to tell them; whilst we have to acknowledge that our constitution, boasted of as it has been for generations past, utterly fails to grapple with this great question. Hon. Gentlemen turn with triumph to neighbouring countries, and speak in glowing terms of our glorious constitution. True, that abroad thrones and dynasties have been overturned, whilst in England peace has reigned undisturbed. But take all the lives that have been lost in the last twelvemonths in Europe amidst the convulsions that have occurred—take all the cessation of trade, the destruction of industry, all the crushing of hopes and hearts, and they will not compare for an instant with the agonies which have been endured by the population of Ireland under your glorious constitution. And there are those who now say that this is the ordering of Providence. I met an Irish gentleman the other night, and, speaking upon the subject, he said that he saw no remedy, but that it seemed as if the present state of things were the mode by which Providence intended to solve the question of Irish difficulties. But let us not lay these calamities at the door of Providence; it were sinful in us, of all men, to do so. God has blessed Ireland—and does still bless her—in position, in soil, in climate; he has not withdrawn his promises, nor are they unfulfilled; there is still the sunshine and shower; still the seed time and the harvest; and the affluent bosom of the earth yet offers sustenance for man. But man must do his part—we must do our part—we must retrace our steps—we must shun the blunders, and, I would even say, the crimes of our past legislation. We must free the land, and then we shall discover, and not till then, that industry, hopeful and remunerated—industry, free and inviolate, is the only sure foundation on which can be reared the enduring edifice of union and of peace.

The Marquess of GRANBY: I think, with the hon. Gentleman who has just sat down, that this rate in aid is a great delusion, and that Her Majesty's Government have neglected their duty by not bringing forward some great and comprehensive scheme. I also agree with the hon. Gentleman that Ireland must look rather to the Opposition side of the House for any great remedial measure, than to the Ministerial benches. Early in the Session, Sir, when a grant of 50,000*l.* was proposed to keep the people of Ireland from starving, Her Majesty's Government were told that such grants could not much longer be tolerated, and that it was their duty to have come down with some great and comprehensive scheme to this House, instead of reproducing these palliative measures. The noble Lord at the head of the Government, in answer to that warning, said that he was not prepared to come down to this House upon his own responsibility with a great and comprehensive scheme until he had ascertained the views and feelings of the Irish people. He therefore proposed that a Committee should be appointed to consider the question; that Committee was appointed, and what has been the result? The noble Lord has not, on the one hand, waited for the production of the evidence and report of that Committee; nor, on the other, has he proposed a measure for the benefit and regeneration of Ireland. Her Majesty's Government have not had the capacity to propose the one, nor the courage to wait for the other; and the consequence has been, that they have brought before this House a mere idea, an abstract proposition, another palliative measure, another temporary expedient—temporary, Sir, I call it, but I fear that the effects of this measure will be lasting. Now, Sir, do they attempt to defend their measure? Do they say that it is perfect or just? No, Sir, they say neither the one nor the other, because they cannot. They admit that it would be as unjust to tax Ulster for the distress of Connaught, as it would be to tax Yorkshire for the distress of Sussex. The hon. and learned Member for the University of Dublin, the other night showed with great perspicuity the difference that existed between England and Ireland with regard to the operation of the poor-law. He showed that whilst in England in such a rate as this there would be the advantages of local management, in Ireland they would be deprived of those advantages. The hon. and learned Gentleman also showed that there was another great difference between the poor-laws of England and Ireland. By the English poor-law of 43rd Elizabeth, rates for the poor were levied upon all kinds of property. It was true, that in consequence of the difficulty of levying a rate upon personal property, that property became exempted from ordinary poor-rates; but in case of a rate in aid, personal as well as real property was liable to the tax. But such is not the case with respect to Ireland, and that is one of the great grievances of the present measure. There is another great difference between the poor-laws of the two countries; the House will perhaps hardly believe, that in England a tenant is liable merely for such rates as may have accrued during his occupancy. With what justice, then, do you make the distinction between England and Ireland, and make the tenant in Ireland liable for arrears that may have accumulated prior to his occupancy? These are the two great distinctions that I draw between the poor-rate as levied in England, and the poor-rate as levied in Ireland. But, consider the question of this rate in aid. You propose to fix the maximum, but you fix it upon the assessment, not upon the amount of the rate collected. Why, you thus, Sir, give a bonus to a union to declare itself insolvent. Take the case of a union in Ireland divided into twelve electoral divisions: there is no law of settlement in Ireland; a certain number of paupers come from each of those twelve districts to a union workhouse: the board of guardians is enabled to place all of them upon one of those electoral divisions; and under this rate in aid it would be to their benefit to do so, because, as soon as the rates in that division rise to *7d.* it would have the benefit of a sixpenny rate in aid, and the other divisions of the union would be exempted from the burden of poor-rates. In addition to this, Sir, property in Ireland is often most unjustly taxed; take this case: with respect to farms valued under *4l.*, the rate is paid by the landlord; a landlord is rated for a number of these small tenements, but they are under lease; they were under lease before the poor-law came into operation, and under the poor-law he is not called upon to pay rate. If the landlord refuses to pay the rate, the Poor Law Commissioner proceeds against him; he obtains a verdict in his favour; the Commissioners and the vice-guardians are to pay the costs; but that cost is defrayed out of the poor-rate funds. Thus, the landlord, though he gets a verdict by showing that he was falsely rated, has to pay the cost. Is that just? I now come to an important branch of this question, and that is, the valuation upon which you are to make this poor-rate. The noble Earl the Member for Falkirk, the other night, showed very ably the unfairness and inequality of that valuation. I think he showed that in some instances it varied *50l.* per cent. I will take the case of a farm, valued and rented at *100l.*, and that it is necessary to raise upon it *5l.* for poor-rate: *5l.* upon the valuation would be *1s.* in the pound; the tenant pays the rate in the first instance, but he is allowed to deduct half of the rate from the landlord, and he will, therefore, deduct sixpence in the pound from the landlord. Sixpence in the pound upon 100*l.* rent will be 2*l.* 10*s.* In this case, therefore, the tenant will pay 2*l.* 10*s.*, and the landlord will pay the same. In that case your principle is very just, because your valuation is just. But suppose the case of a farm—which happens frequently in some parts of Ireland —valued at 100*l.*, but reduced 50*l.* per cent, if 5*l.* were to be levied upon it for poor-rates, 5*l.* upon 50*l.* would be 2*s.* in the pound; the tenant pays the rate in the first instance, and deducts half of the poundage from the rent paid by him to the landlord—that is to say, he deducts 1*s.* in the pound from the amount of the poor-law valuation, 100*l.*; he deducts 5*l.* from the actual rent of 50*l.* In this case, therefore, the landlord pays the whole of the poor-rate, the tenant does not pay a single farthing; and supposing that a reduction of 55*l.* or 60*l.* per cent were made on the rent, the tenant would actually put money into his pocket, as he would be enabled to deduct more from the rent than he had paid for poor-rates. If, on the other hand, the valuation is raised, the hardship falls upon the tenant, and the benefit accrues to the landlord. These are some of the objections—forcible objections, I think—to this rate in aid. But one of the greatest grievances is that a fair valuation under the poor-law cannot be made until the year 1851, the exact time at which this rate in aid is to cease. But Her Majesty's Government have talked of remedial measures: they have, however, failed to make us acquainted with them. They say that they cannot propose such measures on their own responsibility —that they desire the advice and counsel of Irish Members. They are willing to force down the throats of the Irish Members and the Irish people this most objectionable principle of a rate in aid; but they are not willing to accompany it with any remedial measures until they have counsel of the Irish people upon it. But although we do not know what are the intended remedial measures of Her Majesty's Government, of this we are certain, that it is not their intention to introduce into them that principle which alone can make this rate in aid endurable to the people of Ireland—that principle which my hon. Friend the Member for Northamptonshire has, Session after Session, and night after night, with so much zeal, earnestness, and talent, impressed upon the House. I allude, Sir, to the principle of a diminution of the area of taxation. I therefore shall not travel over the ground which my hon. Friend has so often gone over in a much more able manner. But I wish to allude to some objections brought against that proposition by the noble Lord at the head of the Government when introducing this measure. The noble Lord said, he admitted the advantage which a reduction of the area of taxation would confer upon the large landed proprietors; but he said it would be a measure fraught with extreme injustice to the small proprietors—holding about thirty-eight acres of land—not to admit them to the same advantages conferred upon the large proprietors. The noble Lord said, that the proposition would have the effect of protecting the large landed proprietors from the indolence or incapacity of the small proprietors, but that it would not protect the latter from the indolence, incapacity, or mismanagement of the former. I believe, Sir, in certain local districts you will have to collect a number of small landed proprietors together, whereas in others you will be able to make the property of one coterminous with the area of taxation. In a large variety of instances, the small proprietor would be included in the electoral district with the large landed proprietors, who would have the advantage of being paramount in that electoral division. Wherever this will be the case, it will be to his advantage to employ the people, in order to keep down the rates; and, inasmuch as such a course tends to his advantage, it cannot fail to be of advantage to the small proprietor also. I now come to the extreme case put by the noble Lord, where a great number of small proprietors are collected together in the one electoral division. I ask the noble Lord, is not this an exceptional case? and I ask you, the House of Commons, whether you come to fold your arms in indolence, looking at the hopeless and prostrate condition of Ireland, and say that you will not attempt to do anything, because you cannot benefit the small landed proprietor to the same extent as you can the large? I believe I shall not be contradicted, when I say that of the total area of acreage in Ireland—I am not now comparing one class of holders as against another—by far the larger portion is held by large rather than small proprietors. I believe I am correct in saying that, of the twenty millions of acres in Ireland, eighteen millions are held by proprietors who have upwards of one thousand acres of land. Well, if this be the case —if you can confer this great benefit upon eighteen-twentieths of the land—if you can afford employment to the people—if you can reduce the rates upon that extent of land, the small proprietor, if not directly, must share indirectly in the benefit of the measure. But, says the noble Lord, I fear that eviction would be consequent upon the adoption of the proposal. I think that my hon. and learned Friend the Member for the University of Dublin proved to demonstration that evictions would be fewer after you reduced the area of taxation than they were at the present moment; but whether that be the case or not, I shall not stop now to determine. The remedy is simple, as well as brief—a law of settlement, in my opinion, would completely cure such an evil. The noble Lord objects that such a measure would confine the labourers in Ireland to one county, or to one particular electoral district, and that you would reduce their condition—that they would, in reality, become little more than serfs. I think if you make the employer of labour and the employed better acquainted with one another —if you can render the labourer's face familiar to the landlord who employs him—if you can make his cabin the place of record for his honesty and industry—if you make a particular district acquainted with his frugality and his laborious habits—I cannot but think that the condition of that man, labouring in the open air of heaven, is infinitely superior to that of the unfortunate vagrant who travels in search of employment from one county to another, and cannot find it. I think the condition of that man is infinitely superior to the condition of the man who is shut up within the four walls of a workhouse prison, scarcely seeing the light of day or feeling the breath of heaven, inhaling a fœtid and unwholesome atmosphere, and surrounded by disease and pestilence. I demand which of the two is the freer, the more enlightened, or the best member of society? I have no hesitation in saying—call him by what name you like; call him serf if you will—that the condition of the man labouring in the open air of heaven, is infinitely superior to that of a man shut up within the four walls of a workhouse. It has been asserted that the distresses in Ireland have almost invariably proceeded from the potato famine. I find upon referring to the reports of the vice-guardians and Government inspectors, that they were as much attributable to the total want of employment which prevailed. Mr. Griffiths states in his evidence that he had known cases where landlords had applied for loans for the improvement of their estates, and when the time came to take up those loans they refused to do so because of the difficulty in which they were involved in consequence of the large area of taxation. He also states that, in many cases, the tenant was unwilling to yoke his horses to cultivate the land, lest the poor-law collector should step in and carry horses and plough away, in order to pay the arrears of rate which may be on the land. Well do I remember the speech of the right hon. the Chancellor of the Exchequer upon this subject, and the sensation it produced, which was only equalled by the sensation produced in America by the discovery of gold in California. I am sure the House has not forgotten it. When I consider all these circumstances—and moreover when I refer to a report of Mr. Hamilton, a Government inspector sent down to the Ballina union, who states that the distress is not so much owing to the potato famine as to the want of the circulating medium—I say I cannot come to the conclusion that the potato failure was the only main cause of the distress which existed. In furtherance of this view, I will venture to refer to one remarkable fact connected with Ballina. Previously to the reciprocity treaties introduced by Mr. Huskisson, between the West Indian colonies and America—I allude to the year 1814—in one week in the month of November there were sold in the market town of Ballina swine to the value of 60,000*l.* Why, the amount which the Government asked to support the eleven distressed unions for a period of three weeks, was only 50,000*l.* A Mr. Potter, a Government agent, made that calculation. I am somewhat surprised at the tone in which my right hon. Friend the Member for Tamworth referred to the repeal of the law of 1846. I thought that looking at the state of Ireland, any one who had a large share in the government of the country of late years would have had, at all events, some little diminution of confidence, if he did not give way to a fervent regret, in the success or efficiency of the repeal of the law of 1846. I do not now speak of omission or errors in legislation; I do not speak of hopes blighted or expectations frustrated. What a strange boast it was in the year 1849, to say that in consequence of the repeal of these laws the Government were able to keep body and soul together of 100,000 people. Yes, body and soul together—these were the words. The question for us to consider was, not whether they could keep body and soul together, but whether a wiser system of legislation would not have prevented the necessity for such temporary measures. If you had adopted a poor-law applicable to the state of Ireland, you would not feel the necessity of adopting some such measure as the present. Sir, if Parliament had adopted the measure proposed by my noble and lamented friend (Lord G. Bentinck), relative to the encouragement of railways in Ireland, my belief is you would not now be called upon to devise means for keeping the body and soul together of 100,000 starving wretches. But even that meed of modified praise which the right hon. Baronet the Member for Tamworth appropriated to himself, in consequence of having repealed the corn law, I cannot permit him. The very night he made that speech in the House of Commons, I find a letter written from Dublin upon the same day. I take it from the *Times* newspaper. It is to this effect:—

> "The accounts of the progress of destitution throughout certain portions of Connaught continue to be of a most deplorable description. The county of Mayo, as usual, takes the lead in the history of horrors. A gentleman named Hilles, writing from Newport, enumerates a fearful catalogue of deaths by starvation; and the names of the unhappy people and all the circumstances connected with the tragic scene are duly set forth, there is no reason to suppose that the writer has been guilty of exaggeration. Mr. Hilles concludes his letter by stating, on the authority of a person officially connected with the district, that fully 1,000 lives must be lost within the coming month, as many of those who are on the relief list were getting only a few ounces of yellow meal daily. Equally miserable is the condition of Connemara, where, according to the testimony of a Roman Catholic priest, 'the country appears as if it was after being ravaged by some powerful enemy. Despair is visible in every countenance; industry of every kind is paralysed; the fields lie waste, and every eye is turned to America. A few only are living, and fewer still are making any preparation for tillage.' What will the opponents of the Peel panacea say of these sketches of Connaught in the nineteenth century?"

Now, Sir, it appears to me that the greatest advantage which we derive from the repeal of the law of 1846 is the admission or importation of the Indian meal. The people of Ireland are living exclusively upon this Indian meal. Was it not possible for the Government, when the crisis came, to have repealed the 10*s*. duty which existed upon this article, and maintained the protective duty upon the other kinds of grain? Indian meal does not grow in Ireland, consequently you would not have injured any party, whilst, upon the other hand, you would have preserved all the grain in the country, giving protection to the landlord and tenant. If you had adopted this policy, you would not have arrived at the deplorable condition in which you now are. The right hon. Baronet the Member for Tamworth went on to say that the time had come when cereal produce should take the place of the potato. He said that no good potato crop in 1849 would cure the evils under which Ireland is labouring. I fully concur with him in that opinion. I believe it is essentially necessary to make the cereal crop supersede the potato. This, however, will be a matter of some difficulty. The same quantity of land in Ireland which will raise potatoes sufficient for three individuals, if sown with corn, will only feed one half that number—I believe only one-third. It is, therefore, self-evident that the only way in which we can substitute the cereal produce for the potato, is by doing away with the small cottier in Ireland, and by making him a labourer for wages upon the land. Even now, the people of Ireland are unemployed. We must make it worth the while of the proprietor to employ them. How can we hope to obtain this end, except by passing such a law as will give the cultivator of the land a remunerative price for his produce, as well as for the labour which he has expended upon it? I say it is by that means alone that you have the slightest chance of obtaining what the right hon. Baronet desires. I believe, Sir, if the right hon. Gentleman succeeds in his chimerical plan—if he should entirely succeed in superseding the present race of proprietors in Ireland, and transferring them to America—if he should succeed in bringing the whole of Lancashire into Connaught, he will have effected nothing until he shall have given the owners of the land in Ireland the means of living. Upon the present occasion I will only add that I cannot support the plan of Her Majesty's Government, because it is unjust and impolitic. I think it unjust to tax one portion of the people to support the pauperism of another portion, which they had no hand in creating. I think it is unjust, because it gives them no control over the management of those funds which are to be raised by their labour. I think it is impolitic, because its tendency must be, not to raise the condition of the distressed unions to the level of the more prosperous, but inevitably to lower all to one universal measure of misery and degradation.

MR. C. S. FORTESCUE was the more anxious to give his reasons for opposing the measure of the Government, because he usually agreed with their political views. But he should vote against the proposal for the rate in aid, because he wished to see another species of tax imposed upon Ireland. He wished to see an Irish income tax raised for Irish purposes; and he wished to correct some of the terms that had been used in the debate. When Her Majesty's Government and those hon. Gentlemen who supported their proposition spoke about the necessity of thereby compelling Ireland to make an effort for herself, they really meant, not Ireland, but one class of Irishmen—the ratepayers. If the country were to make a national effort, the basis of the measure should be extended. But whilst differing from the Government, he should also express his dissent from the very erroneous principle that had been caught up by the hon. and learned Gentleman the Member for the University of Dublin and his party, who assigned, amongst their reasons for opposing the present plan, that the two countries should be considered perfectedly identical, and should be subjected to precisely the same forms of legislation. He begged hon. Gentlemen to consider what that principle, if fully carried out, would lead to. They should have perfect similarity of taxation. The poor-laws should be identical. They should have the same system of national education and the same ecclesiastical system. The more they examined what the natural and inevitable consequences of such identity would be, the more objectionable they would find it. He could not help regarding Ireland as a separate personality and a separate nationality. He was opposed to a repeal of the legislative Union; but he thought the principle of perfect identity, if attempted to be carried out, would excite an opposition so strong as to lead to repeal of the Union. The vote that he would give upon the present occasion would be, not as between Englishmen and Irishmen, but as between one class of Irishmen and another. The reason assigned for the introduction of the measure was, that an emergency had arisen which called for the exertion of the whole power of the nation. They should lay aside in such a case all poor-law considerations, and deal with it as all great national emergencies should be dealt with—namely, by a general call upon all descriptions of property, just as they should have done in such a case as that of war. But there were two other arguments used by the proposers and supporters of the measure. They said, that if a low income tax had been proposed for Ireland, instead of the rate in aid, it would have met with just as bad a reception from the country and the House. He did not think it would. He did not, of course, imagine that it would have been received with acclamation. It could not be expected that taxpayers would be greatly pleased with any proposition that would increase their burdens. But he thought there were signs and tokens enough to show that an income tax would have been better received than the present proposal of a rate in aid. It was not fair that that property which had suffered least during the distress in Ireland should be exempted from taxation, and that all the weight should be thrown upon that which had suffered most. The other argument was, that the rate in aid would be much easier to collect than an income tax, which would require the establishment of expensive machinery. That was a sort of argument which he would be very slow to adopt. If it were not the plea of the tyrant, it was very like the plea of one who might and could have done better had he only taken the trouble. But as it was admitted that at some time or other they were to have the income tax in Ireland, they might as well have the machinery established at once for their own salvation. He, however, thought that Her Majesty's Government, if they at one time thought that the rate in aid would be easier and cheaper to collect than the income tax, had found out their mistake by this time. He should oppose Her Majesty's Ministers, not because, as an Irishman, he was unwilling to put his shoulder to the wheel, but because he wished the House to compel the Government to adopt a more statesmanlike mode of meeting the emergency, to adopt some plan by which a national fund should be created, by which emigration could be assisted, and employment afforded; a plan, in short, more adapted to the wants of the people, and containing in its principle more of justice and fairness.

MR. DISRAELI: Sir, the Member for Manchester, in a speech which, although I agree as little with the hon. Gentleman as any Member in this House, I listened to with pleasure and gratification, as I must do to every demonstration which sustains the reputation of this assembly, has described the present Session as an adjourned debate upon the affairs of Ireland. It is my wish, Sir, to-night, that before the House separates, we may at last succeed, if possible, in terminating that debate, and bringing our deliberations to some practical conclusion. During those various discussions to which the hon. Gentleman referred, and in which I myself, and those friends with whom it is my pleasure to co-operate, have been obliged, perhaps too frequently, to interfere, we have on every occasion, when we have offered any criticism upon the propositions of the Government, always told them, that, ready as we were to agree to any arrangement that was necessary for the immediate circumstances with which they were called upon to cope, what we demanded as a principal and indeed as a primary condition, was, that Government should come forward, simultaneously with their demand for relief, with some plan that should give an assurance to the House and to the country that those temporary proposals were not to be continued for ever. Well, Sir, how was this opinion on our part received by the Government, and by individuals who are influential—and very justly influential—Members of this House? The Government persisted for a long time in the course with which they had originated the Session. They persisted that it was not only necessary, but that it was also politic, that they should come down to the House of Commons, and make propositions for grants of public money, which, even upon their own showing, could only meet the exigency of the occasion for a very brief period, when there fell from the lips of a right hon. Gentleman — eminent in the country, and justly influential in the House—the observation that such propositions should be accompanied by comprehensive measures. Such was the reception with which the proposition was met, or, rather I should say, such was the manner in which the intimation was received by the Government, that even the right hon. Gentleman himself, the Member for Ripon, seemed a few evenings after, to recoil from the too hazardous effects of a felicitous epithet. And when I, catching it from the lips of a great master, said, that I could not assent to the proposition of the Government for a loan of 50,000*l.*, unless it were combined with comprehensive measures for the removal of misgovernment, and the causes of those disturbances, and that distress which were evident to all, and recognised by many, the right hon. Gentleman the Member for Tamworth rose in the House, and threw out a sneer at comprehensive measures. He brought to the discussion all the influence of his great abilities and great experience, and he warned the House that it was easy to talk about comprehensive measures, but that he himself knew how little was to be expected from such colossal suggestions. Sir, the Government then were not only firm—they were obstinate. They were prepared to carry their propositions, and to renew them if necessary every fortnight. And what has been the result of all those expressions of opinion by these powerful associations and these influential individuals? The Government have at length come forward with a proposition which affects to be comprehensive, the vote upon which we are called upon to decide to-night, when—as if to dwarf their proposition—as if to take the greatness off their proposal—as if to show how mean was their conception, and how ineffectual must be its results—the ready critic, the right hon. Member for Tamworth, has capped their climax with suggestions of his own, so vast and multifarious, that they have introduced into the debate a new element of the most interesting and important character—which, by its introduction has justified the right hon. Gentleman the Member for Ripon in the use of the epithet to which I have referred, and me and my friends for its adoption. Let us look at the Bill which is before us. In this proposition for what is called a national rate in aid, the first point for us to consider is—is it an adequate proposition? It would appear, if I recollect aright, by those papers that are on the table, that in those extensive districts that are popularly called the distressed unions, the expenditure on the poor, during one year, was not less than 540,000*l.*, leaving a debt of upwards of 120,000*l.* in addition. It is proposed by this present Bill before us—by this plan of a rate in aid, that we should raise a sum throughout all Ireland, which, I understand, it is calculated would amount to 320,000*l.* [Here several hon. Members suggested various sums.] Well, I give the popular and accepted estimate. It may not be exactly correct; but it must have some approximation to probability. Well, then, it would appear that this proposition is essentially inadequate. If it is to produce any effect, the proposition must mean more than it expresses. Here are the distressed unions—I take, of course, only the twenty-one that are so called. I don't refer to those unions over which is impending a doom as terrible. Here are the twenty-one unions that have expended, I believe, in one year, 240,000*l.* more than was obtained from the rate they contrived to strike, besides having incurred a debt considerably above 100,000*l.* Well, generally speaking, the fruits of your national rate in aid would only supply the deficiency that was incurred in those distressed unions when the state of Ireland was not probably so severe as it is at the present moment. It appears, then, certainly, at the first glance, that the proposition of the Government, if it mean nothing more than a sixpenny rate in aid, is an inadequate proposition. Yet there may be other objections to the proposition besides its being inadequate. It may be an impolitic one. I think it is an impolitic proposition. I think that a measure introduced to renovate the condition of a country which suffers from a deficiency of capital, and which commences by forcibly reducing that capital, can scarcely be called a wise measure. I think that a measure which, in a country where you all acknowledge that you ought to stimulate self-exertion, reduces the inducement to that self-exertion, can scarcely be called a discreet measure. I think that a measure which declares that Ireland is to be considered in a different spirit to any other part in the united kingdom, can hardly be described in the present age as one characterised by a profound sagacity, or as conceived in a very statesmanlike spirit. I agree with the hon. Member for Louth, who has just addressed the House, that there is a difference between England and Ireland. But, Sir, we must never recognise that difference as an imperial difference. The condition of a county or province in Ireland may be different from the condition of a county or province in England—who doubts that? In the different portions of an ancient empire, great diversity of circumstances must frequently exist. The tenure of land is different in Middlesex from that in Kent; but is that a reason for pursuing a different policy towards Middlesex from the policy you pursue towards Kent? And so as to Ireland. There may be a difference between the countries—a geographical difference—a difference of tenure—a difference arising from historical association; but would it be an answer to a man of Kent, if he complained that we mulcted him in a tax to which the man of Middlesex was not liable, to remind him that the tenure of land in the two counties is different, and that he bears on his banners the white horse of Hengist, as an evidence that he was never conquered by the Normans? I say, then, that this is a proposition which fiscally is inadequate—which politically is indiscreet. Let us proceed with the analysis, and see if there may not be other objections to it. Not only because it is inadequate—not only because it is impolitic—must I object to it, but mainly because it is illusory. It is essentially a deceptive proposition. It is a national rate to which the whole nation cannot contribute. How can you go to that desolate Connaught, which cannot raise its peculiar rates—which cannot raise its local contributions, and call on it to make a national contribution? It is not a national rate, because a great portion of the nation will not contribute to it, and that the very portion which will be benefited by it. Sir, there are English Gentlemen, who represent English constituencies, who are little inclined to consider this case in the spirit with which I have been induced to contemplate it. They think that this is an Irish squabble about the degree and amount to which Ireland should contribute to the general necessities of the empire. Sir, they make a mistake. I warn them not to consider the question in that limited light. I beg them to think for a moment over the position in which, by adopting the Government measure, they will place themselves as regards their constituents—as regards England. They are called on to vote 100,000*l.* on the security of a law which never may be put into execution. A sum of 100,000*l.* will come from the English Exchequer. What compensation you may receive from it is a problem yet to be solved. But I am not anxious to dwell on that point. I want to show English Gentlemen that this proposition is not only inadequate—that it is not only impolitic—that it is not only illusory, but that it is also unjust, and that if they assist in the accomplishment of the injustice which it would perpetrate, they are in effect warring against their own interests, and taking a course which they may hereafter have cause bitterly to repent. Some short time ago I ventured to call the attention of the House to what I considered to be the grievous burdens on land in England. Whatever may have been the merit of any proposition I then made, none, I believe, will dispute the accuracy of the facts which on that occasion I laid before the House. None can deny that from the coarse and uncivilised system of taxation which has always seized on the visible property of the country, a disproportionate degree of the burdens of taxation is borne by the real property of England. Well, what are you going to do now? What are you called upon to do by the proposition of the Minister? Why, you are asked to introduce into Ireland a repetition of that same evil system under which England groans. At a moment of unprecedented difficulty—at a moment of unparalleled trial—when every man feels that he is called on to perform an extraordinary duty, and to make remarkable sacrifices—what is the gist and essence of the statesmanlike proposition before us, but that fresh burdens should be laid upon that property which has already borne the brunt of the difficulties under which the country now suffers? Now, I ask Gentlemen representing English counties, is it for the sake of gratifying some petty pique respecting the ability of Ireland to contribute to the general necessities of the country—is it for the interests of England or their own—that they should sanction by their votes to-night so dangerous a system, so perilous a precedent? Sir, they ought rather to come forward and proclaim, in language which cannot be mistaken, that the system of imposing peculiar burdens upon the agricultural interest of England and of Ireland is no longer to be borne. Thus, then, there are many and powerful reasons why I oppose the Bill on the table. I oppose it, first, because it is avowedly inadequate; secondly, because I believe it to be impolitic; thirdly, because I think that it is illusory; and, lastly and chiefly, because I hold it to be unjust. Sir, the hon. Member for Manchester, who has described this Session of Parliament as an adjourned debate upon Ireland, reminded the House that the right hon. Baronet the Member for Tamworth had taken this opportunity, not merely of expressing his opinion on the proposition of the Government, but generally on the policy which should be pursued with respect to Ireland. If I only considered the great reputation and position of the right hon. Gentleman, I should, from these circumstances alone, receive any communication which he might make to the House on so interesting a subject with the greatest deference. But considering the position of the united kingdom—considering the perilous position of Ireland at this moment, and that the House of Commons, after sitting for two months, is about to adjourn for no inconsiderable period, without having decided a single point, without having passed a single measure, except the suspension of the Habeas Corpus Act, with regard to Ireland—considering this, Sir, I think it would be a mockery to attempt to argue the proposition before the House without some reference to opinions flung out by so considerable an authority, and expressed in so ample and frank a manner. Sir, whatever may be the general opinion on the exposition of the distinguished statesman in question, this, I think, must be conceded—that after that expression of opinion, it is utterly impossible that we should hear anything more in this House of what has been called the *laissez faire* policy as to Ireland. I remember, some two years ago, when one whose loss I always deplore, but never more than when the condition of Ireland is brought under the consideration of the House—I remember, some two years ago, rising humbly to support that measure which on his part the future proved to be so sagacious and statesmanlike—the measure of Lord George Bentinck. I remember then, Sir, saying, that in dealing with Irish affairs the commercial principle was not sufficient—that there were considerations of a political nature which mixed themselves up with all the transactions of life, with which the political principle could alone cope — and that in stimulating to enterprise, you might, as regards Ireland, call, and rightly call, on the State to interfere, because the commercial principle by itself for that purpose was insufficient. Sir, on that occasion I received a reply from one who, with a weak cause, is still a powerful opponent. The principle which I laid down, in order to vindicate the State stimulating commercial enterprise in Ireland, was opposed by the right hon. Baronet the Member for Tamworth. He entirely repudiated the doctrine that there was a difference between the commercial and the political principle. He advocated, on this head, the doctrines of extreme political economy, which I did not think then, and which I think less now, apply to Ireland. While the right hon. Gentleman demolished my argument, I listened to him with that respect which we always owe to a master. I regretted that after his speech, I had not the opportunity even to attempt what might be an inefficient reply; but, Sir, "time avenges truth," and my answer to his speech is the proposition which, on two occassions, he has himself developed to the House, and which now occupies the attention of the country. On such an occasion as this, when, evidently after mature thought on a subject so interesting and important, and emanating from an individual so influential, important suggestions are thrown out before the public mind, it is well to pause and consider whether the propositions are entitled to our confidence. When we consider the state of Ireland—a state which has baffled so many statesmen—when we reflect on the position of any Government which, under the present circumstances of English distress, are called upon to cope with an instance of such aggravated difficulty—great is the responsibility of that man who comes forward, in a position so eminent as that of the right hon. Baronet, and volunteers his opinion to the country. It is an act, no doubt, of great duty on his part, and his suggestions should be received with great respect. But we must weigh them at the same time with that careful scrutiny which is not given to the schemes of every projector—I use the word in no offensive sense; and if there be hope for Ireland and for the united kingdom in the ideas of the right hon. Baronet—if they be founded on ample knowledge and deep thought—the matured offspring of a sage statesman—then there is no one who will be more ready than I to recognise such qualities—nor one more ready, whatever may be the sacrifice, to support the policy which may bring them into play. Sir, the right hon. Baronet has on two occasions expressed his opinions on this subject to the House. It is hardly permitted me, by the rules of the House, to refer to the first speech which the right hon. Gentleman delivered; but I think it is only fair to myself to allude to that speech, and almost only fair to the right hon. Gentleman himself. The suggestions which he has made are numerous. They are not all novel. Facilities for the transfer of land — measures for the encouragement of emigration—propositions for the investment of public moneys in public works—are all of them measures of great interest and importance; but they have been heard of before. What I look upon as the characteristic feature of what I may call the revelations of the right hon. Baronet, is, that somehow or other the State, or the society of England, is to appropriate to itself those vast regions which are now the scene of so much misgovernment and misery in Ireland; and, by a happier management and a more successful cultivation, results opposed to those now realised are to be attained, the regeneration of Ireland to be brought about, and all this by a change of tenure in the land, which is to be held under the auspices of the English Government. Combining the more elaborate exposition the other night, with the preliminary announcement a few weeks ago—the former, however, not inferior to the latter in ability —not an "Odyssey" to an "Iliad," the setting to the rising sun—but still as ardent and as fervent as his earlier effort on the previous occasion — combining, I say, these speeches, I can only conclude that the right hon. Gentleman anticipates at the bottom of his mind a considerable home colonisation in Connaught. He has referred to the time of James I. He has quoted the economical opinions of the wisest of Englishmen. Glad, Sir, am I that the right hon. Gentleman has called the attention of the House to that great authority. But has he well considered what may be the consequences of the position which he seems to have taken? There seems, as far as I could follow the right hon. Baronet, to be running through his argument one great fallacy. The right hon. Gentleman appeared to assume that these lands, which are lying waste in consequence of the operation, chiefly, I think, of the poor-law—that these lands are also depopulated. Now, the land may be desolate, but it need not be, therefore, depopulated. So far as I can learn, the land in question is not so. The occupier, the man bound to pay rent, and forced by the law to contribute rates, may be wanting—he is in a different region—perhaps in a different country; but there is a population on the waste lands who are sensible of the rights of possession; who are quite ready to maintain these rights, quite ready to support an adverse claim against a factitious, even a Parliamentary, claim. Now, in what position does that state of matters place the right hon. Gentleman and other similar projectors? You commence with an adverse and hostile population—a population which will resist your claim. This, Sir, is a grave circumstance to be gravely considered. "Yes," says the right hon. Gentleman, "but remember the plantations of Ulster; they were conceived by a great statesman, they produced great results. Ulster has long been the link which in trying times maintained the connexion between the two countries. Why should we not be as successful under Queen Victoria as under King James?" But when I look into the causes of the success of the Ulster plantation, I am scarcely induced to believe that the right hon. Gentleman would be the statesman who would come forward to advocate, in the present day, a similar principle as a means of similar success. The plantations of Ulster were successful, in spite of a thousand difficulties, by a community of religious sentiment. But even with that inspiriting source of energy, these plantations were often in difficulty and danger. The right hon. Gentleman, I am sure, is not a statesman who will come forward and look to a community of religious feeling as the basis of the success of his new plantation. Yes; but you will place there substantial farmers —men of great capital and considerable scientific acquirements. Be it so: but is it not likely that a considerable majority of those persons will be Protestants—Protestants placed in the midst of a Roman Catholic population—a population not only differing with the colonists in religion, but who will look upon them as possessing an inferior title to the land they hold. Sir, I see all the evils which would result from a colony ostentatiously planted on Protestant principles. Are we to reproduce a source of so many calamities? Is this statesmanship? No; surely the House will not authorise it. ["Oh, oh!"] "Oh!"—but you must deal with the circumstances before you. If you think you can adopt this policy, say so boldly; but I believe you cannot without producing the most calamitous results. You cannot plant Englishmen in Connaught without protecting them. How are they to be protected—by force—by their arming themselves? Let such a course be pursued, and instantly that will occur which has occurred in all plantations within the memory of man—there will be a development of the military principle. I cannot believe, Sir, that any attempt at home colonisation —any attempt to reproduce, even under a mitigated form, and under the modifying circumstances of the nineteenth century —any attempt to reproduce in the west of Ireland, a colony such as the Ulster plantation was in the north, can be attended but with heavy calamities, and perhaps the direst catastrophes. But, supposing the plan of the right hon. Gentleman not to be carried into effect, so far as colonies and plantations go, what are we to have, Sir? We are to have a high commission to manage those lands which we are not to plant. Now, there was one point as to this head of the subject, in which there seemed to me to be a deficiency in the right hon. Gentleman's statement. The right hon. Gentleman dwelt on the state of the disturbed districts. He proposed a commission for the management of those districts, and proposed that it should be a local commission; but he did not seem to have remembered that these districts do not lie together. Look to the map of Ireland—look to the west of Ireland. From the Bay of Donegal to Bantry Bay—along that indented coast, the distressed districts lie, here and there, beginning in the furthermost part of Donegal, and ending in the uttermost part of Kerry. But within these two points lie Limerick and Clare. Where, then, are you to station this local authority which is to produce all these happy results? But, supposing you have it established—say in Limerick—what is it to do? The right hon. Gentleman, vague and shadowy as he in general was, and as in general became the first sketchings of projects so colossal—did, on this head descend a little into details. To this commission are to be submitted all those measures which this House has passed for the mitigation of distress in Ireland. What are those measures? We know them all, the right hon. Gentleman referred to them in detail. First, there is the fund voted by the House for the promotion of drainage. Well, I take this instance, and I ask whether any hon. Gentleman will say that the application of this fund can be better managed than it is by the Commissioners of Public Works? I should like to know from any hon. Gentleman who entertains a different opinion, the grounds on which he bases it. My own is formed from the means in every one's hands. No later than this morning, I was reading the last report of the Commissioners of Public Works; and if they err in advancing sums for drainage, I think their fault lies rather on the side of scrupulosity than otherwise. Evidence of better management I do not believe exists in the annals of any public body. Well, can you suppose that the lords high commissioners of Limerick will be more discreet, vigilant, and economic than the Commissioners of the Board of Works? But let us pursue this analysis of the duties of the commissioners with respect to the application of public funds. I cannot believe that the lords high commissioners could manage funds raised by the poor-rates better than they are at present administered. Will they be able to raise rates in unions which have refused to pay them? The right hon. Gentleman has done justice to the vice-guardians in the tribute which he paid to them. Why should his commissioners be able to manage the funds with greater ability? Take the advance of public money for public works. Take the instance of railways. What can the lords high commissioners do if the Government chose to advance 500,000*l.* for railways? Who will adminster such a grant? Surely the directors of the railway. The commissioners will not be made *ex officio* directors; and if not, can you suppose that they would be able to apply the funds voted by this House with greater ability and success than those who have a much more lively interest in the success of the undertaking? So far, then, as the right hon. Baronet's scheme for a plantation is concerned, I think it would be impolitic; so far as the mangement of the presently existing funds is concerned, I think it would be nugatory. I do not think, that this commission would confer greater advantages on the public than the board which exists. I come, then, to the third proposition of the right hon. Gentleman, and it is an important one. It is that which would confer a Parliamentary title on portions of property in Ireland. But I would beg hon. Gentlemen on both sides of the House, who may have been fascinated by the eloquence and by the large views expressed by so experienced a statesman, to pause before they give in their adherence to this principle, and to consider whether the measure which he suggests is a matured measure, or whether it is a crude and ill-advised one. Now, Sir, I have heard in my time many causes assigned for the misery and misgovernment of Ireland. I know nothing more interesting in the modern political history of this country, than the variety of the changes which have occurred on that subject. I remember that at the first period of my public life it was supposed that Ireland was miserable and misgoverned on account of a difference of religion. A short time after that it was believed to be a political cause. It was considered, for example, that Ireland had not a sufficient number of Members of Parliament. Well, Ireland had an additional number of Members of Parliament, but she was equally miserable—equally misgoverned. Then it was discovered that it was not a religious or a political, but a municipal cause. There were no Roman Catholic aldermen. At last we had Roman Catholic aldermen. I remember the late lord mayor of Dublin, in this House, with his gold chain, as I now may see the lord mayor of Dublin without his gold chain. But misgovernment remained. At last it was discovered that the cause of this misery and misgovernment was not religious, political, or municipal, but that it was material—connected with the tenure of land. Well, the pretext of the tenure of land went on for some time, but that, notwithstanding the appointment of a commission, did not entirely and satisfactorily explain the misery and misgovernment of Ireland, and the cause suddenly became a social one. But the right hon. Gentleman the Member for Tamworth, in his exposition, has done that which might have been expected from a gentleman of his great talents, his great experience—his great experience especially with respect to Ireland. The right hon. Gentleman has discovered that the real cause of the misery and misgovernment of Ireland is not a political, municipal, moral, material, or social cause. He has found out that it is a legal cause—that all this part of Her Majesty's realm in Ireland has been in Chancery. [*Laughter.*] Well, I think that is a sufficient cause. If a Chancery suit is to have the same effect upon a nation as upon individuals, I accept the definition of the cause of Irish misery and misgovernment from the right hon. Gentleman; and I believe that the country having been in Chancery will greatly account for that misery and that misgovernment. But let us see what may be expected from the remedies proposed by the right hon. Gentleman. That right hon. Gentleman has acted with considerable decision. He has, in his own phrase, "cut the gordian knot"—under all circumstances rather a hazardous enterprise. The right hon. Gentleman says, I will take these properties and give them a Parliamentary title. Now, the hon. Gentleman the Member for Manchester, to-night, referred to the effect of a general registry on the Continent, to its effect in France and Belgium, and other countries. Its effect is very much to add to the value of land. I will not say to the extent of nine years' purchase, but to a great extent. Now what is the proposition of the right hon. Gentleman the Member for Tamworth. He says, he will take the lands of Connaught, and settle them under a Parliamentary title—a proposal which, I maintain, is to the same effect as a general register. He says, we will settle them under a Parliamentary title, we will sell them so as to pay the State the sum which it may have advanced, or to pay other charges upon them, and then we will hand the proceeds over to the proprietors. That is to say, that under this scheme property in Connaught is to be sold under great advantages, the proprietor is to have an increased surplus in consequence of his title; but what will this scheme do for the proprietor in Ulster, or even in Munster? Does the right hon. Baronet mean to say that the provident landlord—not the insolvent, but the skilful proprietor—does he mean to say that such a proprietor is to be placed at a disadvantage in the market —does he mean to place this man at a disadvantage, and give the benefit to a man who may neither have done his duty to his family or his country? Is the proprietor in Ulster, who wishes to sell his property, to be told by the lawyer, "You have been a provident man, and your property is in good condition, your title is a fair title; but there is a dissolute fellow in Connaught, whose property has a Parliamentary title, and as against his the market for your property is destroyed?" Will the right hon. Gentleman keep the reprobate of Connaught at the expense of the landlord who may have been provident? Then I oppose the plantation system of the right hon. Gentleman, because I think it is impolitic; I oppose the institution of his board without plantation, because it would be nugatory; and I oppose his plan of Parliamentary titles, because I think it is unjust. But the right hon. Gentleman, in his interesting exposition of his views on Irish affairs, has dwelt upon this other important topic; he says, that as Ireland is at present situated, the solvent proprietor is made the victim of the insolvent proprietor. I quite agree with him. That is an argument which my friends have upon every legitimate occasion endeavoured to impress upon the House and the country; but what surprises me is, that the right hon. Gentleman should not have arrived at the same conclusion at which we have arrived, namely, that the only politic and legitimate remedy is a reduction of the area of taxation. The right hon. Gentleman has also made some allusion to the expressions which fell from the hon. and learned Member for the University of Dublin, respecting the influence which the repeal of the corn laws has had on the present state of Ireland. Now, Sir, I am not at all anxious, in a general debate, to introduce that topic, which entered so largely into, perhaps, our once too bitter controversies. I fear it is a question which will come too quickly and too fiercely under discussion; but still I am bound, without meaning any offence to the right hon. Gentleman, to notice his observations on this subject when he himself originates them. The right hon. Gentleman asks what would have been the state of Ireland, if, with a potato famine, Indian meal was still subject to a duty of 10*s.* a quarter? Now, on this occasion—as on all other occasions—the right hon. Gentleman assumes that Indian corn could never have been introduced into Ireland except at a duty of 10*s.* But there I differ from the right hon. Gentleman. I think the remedy was much more easy than he appears to imagine. I do not wish to use any expression that can be offensive to the right hon. Gentleman, or to the hon. Member for Manchester, or to any other hon. Member; and neither do I wish to introduce any element of acerbity into this debate; but when I am forced by the allusions that have been made to the repeal of the corn laws to refer to the operation of that measure on the condition of Ireland, I cannot help saying that I feel persuaded, that when the future historian of our time—one perhaps as well acquainted with the circumstances of this period as that brilliant writer whose absence from this House I as deeply regret as his friends can do—I feel persuaded, that if such an historian shall have to tell us that almost at the same time a statesman of this country introduced the vast experiment of a poor-law into Ireland, and not only disturbed but destroyed the only assured markets which that country had; whatever may be his economical theories—however completely he may have bowed to those dogmas which I believe may be so generally true and so partially false—of this I am persuaded, that he will say that the statesman who at the same time introduced that vast experiment in the social condition of Ireland, and deprived that country of its markets—embarked not only in the most dangerous, but in the most ruinous and fatal experiment that ever Minister dared to venture on. And this I hesitate not to say, quite independently of the abstract truth of your theories, which I do not care now to combat, is the greatest political blunder ever committed. The right hon. Gentleman may tell me that he is not responsible for the poor-law. I do not speak of the individual, I speak of the spirit of the age and of our legislation. Whether or not he was responsible for the introduction of the poor-law, he should have remembered that that law was introduced before he passed the corn law. That formed a combination of circumstances which one could hardly believe human intellect would ever venture to encounter. What the consequences may be, I dare not contemplate; but they will be such, I fear, as may yet produce a state of society in Ireland to which the present may appear a remedial position, and which may shake this empire even to its foundations. The right hon. Baronet laboured with considerable effect to show how imperfectly are fulfilled the duties of the proprietors of the soil, and how slightly we use the advantages of that country, so favoured by Providence. The right hon. Baronet read us an extract from a letter addressed to him by a Lancashire man, and warned us not to laugh when he read it. His warning was quite unnecessary, for there was nothing in it to provoke laughter; and I, for one, at least, listened to the interesting details contained in it, expressed as they were in the language of unaffected simplicity. It produced a great effect on the House, though there was one line which the right hon. Baronet, who is candid, did not omit, but which he, being discreet, did not dwell upon. I allude to the line relative to the west of Ireland, where the writer says that the exports have been stopped by the state of the law, and the country consequently ruined. Sir, it is a curious coincidence; but I have also a letter, an extract from which I am going to read, and this is also a letter from a Lancashire man. I find it in a letter addressed to the editor of the *Times* on the 1st of December, 1848, by Mr. Francis Graham, a gentleman, I dare say, well known to several hon. Gentlemen. Mr. Graham wrote his letter after a great deal of inquiry; and I really think, considering the letter which was read by the right hon. Gentleman, that my bringing it forward on the present occasion is very appropriate. The letter says—and here I beg to call the attention of the right hon. Gentleman to this point—

> "A Lancashire gentleman, son to Mr. Eastwood, of Brindle Lodge, near Preston, who has got a lease for ever from me of a large improvable tract, and who in the two years he has resided here has expended between 4,000*l.* and 5,000*l.* on it, having employed, on the average, 50 labourers daily, and in summer sometimes as many as 120, most of them belonging to the properties of other proprietors, and there not being one single pauper on the large townland on which he resides, containing 2,658 acres, on the valuation of the union being revised the other day had his improvements valued at an increase of 115*l.* a year, though none of them are as yet in the slightest degree reproductive."

But now I will proceed to show from the letter how far the law, as it present exists, is fatal to improvement. I am glad to find that on this point we and the right hon. Baronet so nearly agree. I hope the noble Lord at the head of the Government will be so kind as to wake from his slumber while I read that portion of the letter:—

> "The result is, Mr. Eastwood has dismissed all his labourers except twelve, and until a change in the law takes place has completely ceased all his improvements and employment, by which so many families were supported who are now thrown upon the union as recipients of outdoor relief."

That is the effect of the law; and I will now read another short extract from the letter, as I consider these statements better than all the speeches that can be made:—

> "Another gentleman, Mr. Prior, who has a similar lease from me, and obtained from Government 800*l.* as a loan, under the Act you refer to in your article of the 17th ult. the first instalment of which, 160*l.*, he has already laid out on his farm, having previously expended a large amount of private capital on it, had his improvements, effected with this Government money, valued, and his rates increased in an equal manner; the consequence of which is, that he wrote last week to the Government, saying he must decline taking the remainder of the 800*l.*, as his doing so would make him liable to pay a greater sum than he even now does, to support the paupers of other estates."

Here we have a gentleman declining to receive further advances from the Government, because he finds, as he lays out his money and improves his estates, the increase in his produce is met by a similar increase in his rates, and he would make himself liable to pay a greater sum than now to support the paupers on other estates. And yet you are all of you advocates of these remedial measures—measures which are to stimulate private industry, under the sanction of the State—large and comprehensive measures—but which, from laws previously passed, are absolutely nugatory, and cannot be used by any individuals except to their own cost and ruin. The writer concluded by saying—

> "Owing to the principles of the present poor-law, the boon granted by the Legislature to benefit the country, by facilitating improvement and employment, is completely nullified; and until the law with respect to improvements on land, being subject to increased rate for a certain extended period, is altered, and until each property or townland is directly liable to support the destitution existing on it, by employment or otherwise, the hands of every man, whether improving landlord or industrious farmer, are completely tied, and the position of this country must go from bad to worse, the laying out of capital on land being completely put a stop to."

I mention these facts to show that the attempt has been literally made. This gentleman speaks in expostulation against the indignant invective of the *Times* newspaper, written with all its power over public opinion, inveighing against the proprietors of Ireland; and he writes this letter, giving a simple detail of indubitable facts to vindicate himself and his order. I mention these facts to show you that the attempt has been literally made to carry out your suggestions, but that, owing to the principle of the present poor-law, the boon granted by the Legislature to benefit the country, by facilitating improvement and employment, has been completely nullified; and until that law is altered—until each townland is obliged to support the destitution in it by employment or otherwise, the hands of every man, whether improving landlord or industrious farmer, are completely tied, and the position of the country must go on from bad to worse, and all investment of capital in land must be completely put an end to. One stops to ask oneself how the House of Commons can adjourn for the Easter holidays with such a law in existence? Not a human being has yet risen to meet these objections to the law, clearly stated and detailed by Mr. Eastwood. As far as I could follow the right hon. Baronet the other night, he did not give his adhesion to the present poor-law. He said we must go back to the principle of the law of 1838. I understood the right hon. Baronet to say that the workhouse test must be maintained, and yet I heard the right hon. Gentleman talk of employing paupers on the public roads. Now, I cannot reconcile the employment of paupers on the public roads with the stringent maintenance of the workhouse test. That is a point I should like to see illustrated. I understood the right hon. Baronet to say that he was opposed to a labour rate as the most pernicious possible policy. The right hon. Baronet will excuse me for dwelling on this point, which I do from memory, because it is very important to have his opinions distinctly. If the labour rate ought to be denounced, as I think it should be, the last thing to have recourse to should be the employment of paupers on the public roads. The want of roads in the south and west is not the great difficulty, for I believe those parts are over-roaded already. I have ventured to give the reasons why I oppose the measure of the Government; I cannot help feeling that they are reasons founded upon the circumstances of the case. I have not yet heard a Minister of Her Majesty rise to maintain for a moment that their proposition is an adequate proposition. I have ventured to offer some criticism on the elaborate proposition of the right hon. Baronet the Member for Tamworth, and I hope it will not be without its effect, when he favours us with his third speech on this important subject; for you may rely on it we shall have many speeches yet. The right hon. Baronet has not only had great experience of public life, but particular experience of Ireland; and I must say he appears to me to have extracted the quintessence of all the projects which, when he was Principal Secretary for Ireland, he must have found in the pigeon-holes of his office. Whatever view I may take of his suggestions, they appear to me rather calculated to captivate the public attention, than to satisfy the public necessity. I value them because I value any expression of opinion in this direction on the part of one who influences public opinion, and occupies so great a position in this House. It is to me a significant indication of the way to which public opinion tends, and the quarter to which it is directed. Yes, Sir, I look on the result of all these speeches and discussions to prove this, that the time has gone by when any public man of reputation will rise and say that Ireland is to be governed on the principles of political economy. It is something to have arrived at that, when I remember what has taken place in this House—when I remember what propositions have been made, what speeches have been uttered opposed to this proposition—and when I also remember that Session after Session, opportunity after opportunity, occasion after occasion has been taken to do that in detail, which in the wholesale was opposed. Whenever the state of Ireland is most urgent now, whenever there is a question whether a Ministry can carry a measure, I have some satisfaction in the morning in taking up the newspaper and finding that there has been a meeting of Irish Members in Downing-street, on the subject of Irish railways—more satisfaction still, when I come down to the House and am told, that another railway is going to be supported. Why, Sir, the catalogue which my lamented Friend proposed for the adoption of the Government is now almost complete. Another famine, and all his propositions will be carried into effect. Well, Sir, now I may be asked, as I have ventured to oppose the proposition of the Government, and to criticise, though with great respect, I hope, the exposition of the right hon. Baronet, "Are you not also going to be a painter? Favour us with your views on what is necessary for Ireland." Why, we have favoured you with them at divers times, when you were the disciples of political economy—when you maintained, like the right hon. Baronet, that the commercial principle was amply sufficient to cope with the circumstances of Ireland. We came forward and told you that the interference of the State was necessary. Sir, I lay down, without reserve, that I am opposed to any position which asserts that between Ireland and England there is any difference. I agree with the hon. and learned Member for the University of Dublin, that the need of Ireland is an imperial need. But with regard to the case before us, I entirely agree—as a matter of policy, of wisdom, not of law and right—with the right hon. Gentleman the Member for Tamworth, that it is wise in this respect, that Ireland should, at this moment, show to England that she is ready to make every exertion which on her part can reasonably be expected. And the exertions which she is ready to make, and which her friends would counsel her to make, are far more valuable than this rate in aid, which, if carried, I have shown you must be inadequate, and which, if not ultimately inadequate, may prove most fatal and injurious. It is suggested that Ireland is ready to contribute to the necessities of that part of the kingdom at the present moment by submitting to an income tax. I shall support the hon. Member for Kerry if he brings forward a proposition to that extent. I will support it in the first place, because it would terminate that injustice to the land of Ireland, to which I have ever been the greatest opponent. I think as aid is required from the Imperial Treasury, we should be prepared to support this proposition, that all income derived from Irish property should contribute to the Imperial Exchequer, no matter in what country it might be received—all received in England, of course, being included in the contribution for this great object. That would produce a great fund, a fund far beyond the rate in aid. It would bring in that 6,000,000*l.* of national income which has not yet fairly contributed towards the public burdens; and the justifiable pride of Ireland would be gratified, that as far as these were concerned, the aid she would receive from the Imperial Exchequer would be furnished from her own resources. That is my idea of an income tax for the assistance of Ireland, and it is one which I believe would be satisfactory to the people of this country. But the first thing must be to adopt the suggestion of the right hon. Baronet the Member for Tamworth, and revert to the workhouse test—the principle of the law of 1838; and you must combine with that, as suggested by the letter of Mr. Graham, the diminution of the area of taxation. It is only by such a course that you can give breathing time to Ireland. When you have an income tax established on this principle—when you have stopped the crying evil of the present poor-law, then it will be the time for the State to come forward, according to the great principle laid down by my lamented friend (Lord G. Bentinck), to stimulate private enterprise under the shadow of imperial security. Then I shall not despair of Ireland, notwithstanding all the consequences of that change of law to which I cannot venture now to advert. It is our object at this moment, without any consideration of these circumstances, to meet a difficulty of so pressing a nature, that not a day ought to elapse without our devising some means of allaying it. The time has come when England and Ireland must both learn to forget. It is useless to revert to the past—to the crimes of one side, to the blunders of the other, to the corruption of all. I hail the expression, that in these circumstances of unparalleled difficulty, we may at least find that consolation which results from the belief that a new era is at hand. But men must combine without any recollection of past feuds. All our acerbities must vanish with that root whose loss we must even cease to deplore. Sir, there has been a strife between the two countries; but all these discussions respecting the material condition of Ireland only the more convince me that it is a strife which has arisen rather from misconception of their mutual interests, than inveterate hostility. They must be consigned to oblivion. We must terminate the traditional misconceptions which have hitherto prevented England and Ireland from co-operating together; then, Ireland will be like the patriarch, after his struggle with the mystic wrestler. Until the setting of the sun he thought he was striving against an oppressor, but at last he found that, instead of an oppressor, he was struggling against a guardian angel.

Lord J. RUSSELL: Sir, I should have been anxious to confine myself as closely as possible to the Bill which forms the subject of our deliberations; but the hon. Gentleman the Member for Buckinghamshire, who has just sat down, to whom I have listened most attentively during the whole of his speech, has himself enlarged the field of discussion, and made it necessary for me to enter into questions extending far beyond the mere vote of the evening. Before I enter on those larger questions, I think it is necessary, for a short time, to detain the House with some vindication of the project which is now before us. It is not, as the hon. Gentleman endeavoured to represent it, the "comprehensive scheme" of Government for the relief of the evils of Ireland, and designed to form a permanent foundation for the prosperity of that country. It is a temporary measure, to cure an acute evil under which Ireland is at present suffering, but which does not pretend to give any ultimate or comprehensive remedy. The hon. Gentleman, following others in this respect, avowed his objections to the measure, and stated that the proposition of a rate in aid was unjust. Now, I cannot think that any one could have said it was unjust, if we had proposed, in any year, that the taxation of Ireland should be assimilated to that of England. When Ireland was not allowed to have resort to our colonies; when she was not permitted to trade with the West Indies or North America; when even her trade with this country was fettered like a foreign trade; then, indeed, it might be right, and it was right, that the superior amount of taxation should be borne by England, as she had exclusive privileges, and claimed the exclusive possession of certain rights for herself. But since every restriction of that kind has been done away, it appears to me that, so far as justice is concerned, there would be no injustice if we proposed that the land tax, that the assessed taxes, that the duties of excise to which Ireland is not now subject, that the income tax, should be all extended, in principle and in practice, to Ireland. But if that be so, it then comes to be only a question of expediency whether or no any of these taxes shall be extended to Ireland; and it appeared to us that we were giving her the lighter burden rather than the heavier, when we proposed that a rate of no more than sixpence in the pound upon the rated property of Ireland should be imposed upon that country. But if we had proposed such a taxation as that to which I have referred, we might have proposed that the proceeds should be applied to the general imperial purposes of the united kingdom. What we have proposed is, that the tax we are now discussing shall be appropriated for two years to the relief of the suffering poor exclusively in Ireland itself. And if it would be just to impose such a tax for imperial purposes, that justice is certainly not less when we propose that its proceeds should be entirely applied to Irish and not to English or Scotch purposes. Now, Sir, if there is any truth in this remark, so far as the justice of the proposition is concerned, I conceive that our proposal can be defended. But the hon. Gentleman has said, that this is a tax which must be inadequate. Neither on that head do I agree with him: I think there are just grounds for supposing the contrary. Take the sum which he has mentioned as likely to be raised, 300,000*l.* There has been 50,000*l.* already voted by this House; so that there will be 350,000*l.* in the course of the year to be applied to the relief of the distress in Ireland. In the course of last year about 390,000*l.* was applied to the whole of Ireland; but a part of that sum was applied according to the charitable views of the British Association, for the maintenance of schools and purposes of that kind, which, although perfectly right and legitimate—there being a large sum as the surplus of the voluntary benevolence of the people of this country—need not be taken into account when the application of relief comes from the imperial treasury. I submit, therefore, that the sum of 350,000*l.* will be no inadequate sum compared with that which was given last year. Then the hon. Gentleman says, that this is an unfair imposition of a tax, because it falls entirely upon landed property—upon the property of those who are peculiarly distressed; and that if it is a burden upon one class and one interest, then it should be imposed upon others. With regard to that subject, I have formerly stated that it appeared to us that, as there were rates for the relief of the poor, and this sum was intended for the relief of the poor, it would be easier and lighter for Ireland to collect the sum by rate, so as to form part of the existing rate. But if those who represent Ireland shall think that a tax upon property and income would be a fairer burden, and if, while they are unwilling to take our proposition, they should be willing and ready to accept the proposition of an income and property tax, and that the relief should then be given from the imperial revenue, I can assure the hon. Gentleman that there will be no such insuperable difference between us as should prevent the adoption of that form of impost which should seem to be most agreeable to the wishes of the representatives of Ireland. But I do think the people of this country may ask—as was stated in his very able speech by the hon. Member for Manchester—that, having now, for some years, contributed largely to the relief of Irish distress, Ireland herself should come forward with her fair contribution — not to bear the burden solely and entirely, but to take her part in the relief of the distress which belongs to the inhabitants of her own soil. And, let me observe, it is nothing to the question to urge, as some Gentlemen have done in former discussions, and in this discussion, that the money which was contributed from the Imperial Exchequer, and for which the people of the united kingdom are now paying interest, was ill-distributed and lavishly bestowed. That, if you choose, may be a charge against the Government; it might even become a charge against the House of Commons; but, so far as the people of Great Britain are concerned, their readiness to contribute is the same, their payment is the same, supposing the distribution that was made was not a wise one, as if it had been the wisest and the relief the best that could be afforded. Therefore the particular application under the Relief Act and the Public Works Act, really has nothing to do with the question of the large exertions made by Great Britain for this purpose. I am not willing to enter further into this question of the rate in aid, although it is the immediate subject of the debate, because questions so much larger and so much more important than a payment of sixpence in the pound for two years together have been raised in the course of this discussion; and we have heard from the right hon. Gentleman the Member for Tamworth, from my hon. Friend the Member for Manchester, and from the hon. Gentleman who has just sat down, speeches of surpassing interest upon great questions affecting the destinies of Ireland. Sir, in the first place, with regard to the conduct of the Government, the hon. Member for Manchester has reproached us, gently indeed, but very decidedly, for not having come forward, in the course of the present Session, with some comprehensive measures for the purpose of the relief of Ireland. Now, Sir, so far as I am to bear any blame personally, I am willing to take that blame to myself, from having, some years ago, used phrases of that import—using them, I must now confess, with a view rather to political and religious grievances, than to those questions which have since occupied the attention of the Legislature. But, Sir, so far as the conduct of the Government, in the present and past Session of Parliament is concerned, I do not believe that the blame which the hon. Member for Manchester throws upon us is justly incurred. Indeed, I somewhat wonder that a Gentleman with his opinions—opinions which I think just—with regard to the provinces of legislation and of the Government, should have seemed to come forward and ask the Government of this country for some measure—for some specific, by which the ills of generations were to be cured, and prosperity was to be seen, not returning or arising by slow degrees, but appearing at once, as the result of Parliamentary wisdom and administrative sagacity. For my part, Sir, alluding to a phrase on a somewhat different subject, to which the hon. Gentleman who had just sat down alluded—I might illustrate my opinion on many of those subjects by a reference to the origin of that phrase—*laissez faire*, of which I think so much abuse has been made, both by the advocates and the opponents of that system. A very great and very able Minister of France laid down certain rules, by which he directed that all looms should be made of a certain size, that they should be made according to a certain pattern, and that the web should never exceed certain dimensions. He then went on, having established his manufactory by this arbitrary principle, to forbid the manufactures of other countries from coming in to compete with those he had established; and the first consequence was, as might be expected, that the vineyards of France suffered, and those who had cultivated those vineyards complained loudly that they could now no longer export the wines of France, as there was no longer any demand for them, in consequence of the exclusion of the manufactures of foreign countries. It was then that Colbert, having asked a merchant what he should do, that merchant, with great justice and great sagacity, said—"*Laissez faire, et laissez passer*"—"Do not interfere with manufacturers, as to the size and mode of their manufactures; do not interfere with the entrance of foreign imports, but let them compete with your own manufactures." That, Sir, is the origin of the saying; and that, I think, is a specimen with regard to many of these subjects, not of the value of that maxim, but of the superior wisdom of many men of common sense to the devices and schemes even of a Minister like Colbert, gifted with great talent and indefatigable industry, and having, in his power the whole commercial policy of France. On a former occasion, in speaking of Ireland, I alluded to the condition of England and Scotland at two different periods of their history; and I said I thought that Ireland was now entering upon a change of a similar kind. With respect to England, I quoted from a work of Sir Thomas More, in which he described what would now be called evictions; he described families turned out of their cottages, their houses pulled down, and the poor people driven into the wide world to seek a refuge where they could from the misery caused by these extensive evictions. What was done with respect to that matter? What was done with regard to the general policy of England, in the reign of a wise Princess, who succeeded to the Throne soon after the time when Sir Thomas More described these scenes? Did Elizabeth and her counsellors propose some scheme by which they conceived the prosperity of Ireland and the prosperity of England would be secured for ever, by their directions, and in consequence of their legislative views? One of their great measures of administration was, that, with the severity, almost with the barbarism, of the age, they punished all malefactors, and reduced the country into a state of peace and order. Having done this, they likewise passed measures by which the infirm and impotent poor should be relieved, and the ablebodied and sturdy poor be set to work. And yet those measures came to nothing more than what the hon. Member for Manchester has alluded to as "the more vulgar arts of Government," on which he trusted that this Government and the Lord Lieutenant of Ireland would not rely—namely, force and alms. And yet, with a policy founded upon measures of that kind, England rose to a high station among the Powers of Europe; she sent forth men of extraordinary capacity to traverse the ocean, and to visit the most distant shores; she produced men of the genius of Shakspeare, of Bacon, and of Milton; and she rose, in no very long time, to be a country which, by its order, and, at the same time, by its freedom, was superior to the other countries of Europe. Yet it was not in consequence of any special scheme that relief was so given, but in order that there should not be the disturbance to property, that there should not be those assaults against the person, which formerly prevailed; and that men might in security pursue their own avocations, and obtain the fruit of their own labour and industry. But whatever scheme may be the proper one—whatever laws may be passed from time to time—there is nothing in Government so essential, there is nothing so useful, as to enable men to feel that they are living in security—that the fruits of their industry will be secured to them—and that the road is open to every distinction in the State. Such was the case in England from that time. Let me now turn for a few moments to the case of Scotland. Religious persecution had disturbed, almost destroyed, that country in the reign of Charles II. After the Revolution, laws were passed which, without extending relief to the poor—the country being thinly peopled—established security and order, reduced to obedience those who had robbed and destroyed life throughout that country, and afforded a better education and means of improvement to the people at large. By such simple measures, in the course of some twenty or thirty years, Scotland presented a totally different aspect—trade and industry flourished—agriculture, which was almost entirely neglected, was seen in every valley to produce all the fruits of industry, and that country began that progress which she has ever since maintained—producing wealth with less means at her disposal for doing so than Ireland. This was a state of things—dissimilar if you will—but not totally dissimilar from that of Ireland now. These were changes effected by great men

—by Bacon and Burghley, by Somers and Shrewsbury, and the other wise statesmen who lived in those times. They did not rely on any scheme which was at once to give prosperity to a country. They adopted the true and natural means of legislation —not means by which men should be forced and directed how they could make themselves wealthy and prosperous, but means by which, security being given to them, their energies were allowed to take their own course. I now come to what the state of Ireland was a few years ago. And let me observe, in the first place, that in all the speeches I have heard, and especially in the three speeches to which I have alluded, I think it has been too much assumed that it would be in the power of any Government or any Parliament, however wise and well disposed, to produce changes which, after all, must mainly depend on the character and conduct of the people themselves. Why, what has been the system in Ireland heretofore? A Gentleman, in the course of this debate, has given an instance of a person who some sixty or seventy years ago gave a lease of some property for three lives. The person who had the lease found himself in distress, and he sublet a portion or the whole of the land which had been leased to him. The farmers to whom this person let underlet again, till the system of conacre was introduced, under which from 10*l*. to 12*l*. an acre was paid for the land. A whole community was thus formed far more numerous than the land could support on cereal production, and they lived in a wretched state, always on the verge of famine; and yet, so long as the potato flourished, you heard but little complaint, except in statistical returns, and the people were content with that sort of life which was inferior to what a more civilised people would be contented with. Let me give another instance, which has been already referred to by the hon. Gentleman who seconded the Amendment. It relates to the state of Ballina about the year 1834-5. One witness states that, at that period, more than 100 labourers might be seen standing in the streets seeking employment—that the labourers, when employed by the farmers to dig potatoes, left some in the ground designedly, and went afterwards by night to dig what they had so left behind. Another witness says that the labourers had but little employment, and that they lived on one meal a day. One of them stated that he had himself worked from six o'clock in the morning to sx o'clock in the evening without a meal at all. Another witness says it is a constant thing for labourers to work on one meal a day for eight or ten days consecutively. When they eat their only meal of potatoes in the afternoon of one day, they waited till their wives brought them food at the same hour the following day. Another witness says that they sometimes merely went into the neighbouring cabbage garden, in the intervals of works, and cut cabbage-stalks, when the work is resumed again. This, Sir, was in the prosperous times of Ireland. This is what occurred in Ballina, and in other places of a similar kind, when Ireland was supposed to be prosperous, and no complaint was made. Now, let me ask, if there had been no interference—if people in this wretched state had been left altogether without any aid or interference on the part of the State, what would have been the case in villages of this kind, and of the people living in this state? I have heard it said that the aid we have given first by the assistance of the State—and after by the poor-law, has demoralised them. Demoralised them, indeed! Admirable phrase! Admirable phrase on the part of those who wished to pass on the other side of the way, and take no notice. But if the State had not interfered, these people would not indeed have been demoralised, they would have been dead. How did we relieve them? In the first instance our plan may have been lavish and ill contrived, but it was relief from the State. If we attempted to go on with that scheme, Parliament would in the first instance have refused its sanction, and it would have been proposed that Ireland should support her own poor and her own destitution; but, in the next place, if Parliament sanctioned the continuance of such relief, we could not say that the resources so supplied by the State would not have been lavishly applied, and that great abuses would not have taken place in the administration of relief. What then did we do? We proposed that relief should be given by an extension of the poor-law. Now, with regard to the poor-law, it must be considered that it is a law—not only a law of humanity for the sake of relief, but also a law of police for the sake of security. Those who have most considered the principle of a poor-law, and who have had to administer it of late years, are of opinion that the security of England has been very much founded on the provision that no person should have a right to wander and beg, but that if he chose to apply for relief, he should, on giving work, receive relief. If that is the case in England, we have a right to expect that it will in time work the same effect in Ireland. Every person who knows anything of Ireland complains of the number of beggars and marauders who issue from the purlieus of the towns to steal and destroy property. A poor-law sufficiently stringent for the purpose must in a great degree remedy the evil. But we are told that the extended poor-law of 1847 should not have been enacted, and that at all events we ought to go back to the principle of the law of 1838. It has been my fortune to have introduced both these laws; and, had it not been for the calamity of the loss of the potato crop, I confess I should not be disposed to introduce the extended poor-law of 1847. I believe that relief in the workhouse, but for that calamity, would have been sufficient. But you can by no sudden step replace yourselves in the position in which you stood then. It is in the evidence taken before the Committee now sitting on this subject, that 360,000 persons, not belonging to the ablebodied, but to the infirm poor, were receiving relief, in January last, under the provisions of the present poor-law. It would be impossible to relieve them in addition to near 200,000 persons who are now relieved in the workhouse. I believe no person will say, whatever opinion may exist with regard to the ablebodied, that relief should be withdrawn from these 360,000 infirm poor of Ireland. If this has been their number in January, in the month of July they would be far more numerous. It appears to me impossible either to afford work house accommodation for this vast number of persons, or so long as the country remains in its present prostrate state, to refuse relief to those persons. I do think, supposing the country to be able to afford more work and employment for the people in general, that it might be possible in a great many of the unions to restrict relief to the workhouses, but still in many parts of the country I believe it would be found impossible. The right hon. Gentleman the Member for Tamworth said that he considered the workhouse the best test. I rather understood him to say that he would go back to that test, but I did not understand him to mean that he would go back to it suddenly. But he said that he would employ the people in making roads or similar works of that description. That seems to me to be at variance with what he said, and said wisely—namely, that the workhouse was the true test of destitution. The whole theory on which the present poor-law is founded is, that no person shall have a right to relief but those who are utterly destitute and cannot obtain food or the means of livelihood, in any other way. If you once tell men that there is a public body who will give them work, they will rather prefer working under that public body than under a private individual. But no public body, no guardians of the poor, no relieving officers, no inspectors, will use half the vigilance, half the care, that a private individual will who employs labourers on his own property working for wages, and who has, therefore, a direct interest in seeing that the work for which he pays these wages is properly executed. With regard, therefore, to that plan for an alteration of the poor-law, I do not see how any scheme of the sort can be adopted. The hon. Gentleman the Member for Buckinghamshire spoke of improvements which had been made in the cultivation of land, in consequence of which a higher rate had been imposed upon the persons who so improved their property than upon those who made no improvements. Now that is, I admit, a fit subject for evidence, and in the Committee sitting upstairs I stated some weeks ago that, in my opinion, if any improvements were made for a certain number of years, no additional rate should be charged on account of them. I also think that there ought to be a maximum amount of rate, and it will be my duty to submit to the House a proposition to that effect. I am likewise ready to admit that the electoral divisions and the unions have in the south and west been too large; that the area has been too extensive, the population too great; and that they would be managed with far more economy, and that more harmony would be secured, if a reduction were made in their extent. These are changes which would, I think, be well introduced into the poor-laws. I come next to a subject to which the right hon. Gentleman the Member for Tamworth has referred, namely, emigration. Now, I confess, that although I think it is very possible for the poor-law guardians, and even for the State, to assist emigration from some of the overcrowded districts, where there is no hope of being able soon to find sufficient employment for the population;

and, although I have always contemplated the granting of some assistance of that kind in the present Session, yet I cannot imagine that the right hon. Gentleman will see no force, or but little force, in the objection that by any large plan of emigration you would discourage the attempts of individual proprietors, and repress the tendency to voluntary emigration. Now, let us consider what, for the most part, constitutes the voluntary emigration which now takes place. Members for Ireland are fond of representing the emigrants as composed entirely of farmers and others who are carrying their capital from Ireland, and thus depriving that country of the benefit of capital. But a great portion of this emigration is conducted with capital which comes from the United States and Canada, being sent to persons in Ireland by their relatives and friends, to enable them to transfer themselves and their families across the Atlantic. Some Gentlemen have shown me returns from their own mercantile houses, showing the great number of small sums, from 1*l.* and upwards, which have been sent over for that purpose; and I have seen accounts proving that the sums sent to the various mercantile houses in this country—omitting one of the principal houses, namely, that of Baring Brothers—amounted to no less than 460,000*l.* within one year. Here, then, is an enormous sum: the gross amount must be at least half a million. Were we to come down to the House and propose that such a sum should be granted for the purpose of encouraging emigration, it would, of course, be said that the vote was a very large and munificent one; yet that amount is obtained in sums of 1*l.* and upwards from persons in America, by whom it is sent here to encourage voluntary emigration. Knowing the disposition which there is in Ireland to rely upon the State—knowing what dangerous ground you tread upon whenever you give assistance from or on behalf of the State—I feel no doubt whatever, were we now to say we have a million or half a million to apply to emigration, a great proportion of the sum which would otherwise be sent in 1849 would be stopped by such an announcement, and that we should thus be merely displacing the sums voluntarily given through making an advance on the part of the State. If this be so, you would not in fact be increasing the amount of general emigration. Now, in thus speaking, I beg to guard myself against being supposed to deny that there are particular districts in which some aid, as regards emigration, might be advantageously afforded. The very Bill which we are now considering contains amongst its clauses a provision empowering the Treasury to apply money for the purposes of emigration. Sir, I now approach another subject—and I do so with great doubt and diffidence—upon which the right hon. Gentleman the Member for Tamworth has twice expressed his opinions in this House. I cannot but recollect the long experience which he has had with regard to Ireland. I remember hearing a speech which he made not long after I entered Parliament—I think in the year 1816—in which he described the state of Ireland, the factions and the party fights. The speech was a most able and instructive one; and I believe that from that time to the present he has never ceased to give an anxious attention to the affairs of Ireland, and to apply his great abilities to the devising of remedies calculated to ameliorate the condition of the people of that country. I would therefore speak with the utmost respect of any plan brought forward by the right hon. Gentleman; and when I have any doubts with respect to his plans, I am ready to admit that those doubts may arise from some misapprehension of the details. Having said this, Sir, I proceed to consider whether there would be any advantage in having a commission specially for the purpose of disposing of questions relating to land in the west of Ireland. It appears to me that such a commission must be one of two kinds: it must either have compulsory powers, or it must be merely of a voluntary nature. Of compulsory powers the right hon. Gentleman gave us an instance in the plan adopted with respect to the plantation of Ulster in the reign of James I. But there is this obvious difference—and the objection is so obvious that I think the right hon. Gentleman must have some answer to it—between that case and the present—in that case the land was at your disposal, and the people were not upon it; whereas, in the present case, the land is not at your disposal, and the people are upon it. Well then, Sir, it appears to me that it would be impossible for you to use the powers which were given in the times of James I. to the commissioners whom he appointed—the lands having been then forfeited to the Crown, and the Crown having a full right to dispose of them. You could not possibly say that any one individual has so misused his powers as a proprietor that his land should for that reason be forfeited to the State. To give any commission such a power in the present day, would, I imagine, be quite impossible. Though the plan which I proposed three years ago, is one which it might be advisable to adopt, yet you had there the right foundation. I proposed that the lands to be taken should be of a certain value, none of them of less value than 2*s.* 6*d.* an acre; and that they should be sold or let for long leases to persons who would bring capital to cultivate them. There was land of which you had some definition, and upon which there were no people to be maintained. It appears to me that by the plan suggested you would get involved in the greatest difficulties. Supposing the State to purchase these lands, with all the mortgages upon them, you have in the first place to consider whether the lands be not mortgaged for more than their value. You might have to pay off mortgages which the mortgagees themselves had no hope whatever of obtaining. With regard to the people, you would either find that you had to pay very extensive poor-rates, or to provide the means of emigration. Now, considering the extent of Connaught, and the number of its population, are you content to be put, by means of a commission, in possession of such a vast extent of country, and to make the State responsible for the welfare of so many hundreds of thousands of people? I own that the project appears to me to be one which the State cannot with prudence, or indeed with safety, entertain. But, Sir, I understand from another part of the right hon. Gentleman's statement that his intention was to facilitate the contracts for the purchase of land between the sellers and the purchasers. Now, if that be the object, it appears to me that the appointment of the commission would issue in very great disappointment. It is impossible that such a plan as this could be stated in Ireland without raising very great hopes, without creating an expectation of some very great results. If such a commission were to go to individuals and ask them to sell, and were to conduct the contract for sale to some person willing to purchase, it is obvious that such interference would only lead in many instances to a failure of the negotiation. I am afraid that on the whole very great disappointment would ensue. Such appear to me to be the difficulties which surround that part of the project. But the right hon. Gentleman touched upon another subject nearly connected with that to which I have just referred—a subject upon which the hon. Member for Manchester has also spoken this evening, and with respect to which I think Parliament may be able to effect very considerable improvements—I refer to those laws which encumber, and in many cases prevent, the transmission of property. This is a question in relation to which justice must be dealt out to all parties concerned—it is impossible to enter upon it with any determination other than to allow that every person who has just rights should have his rights respected. For instance, you might find that a person (the case is not a very difficult or complicated one) had left his land to his eldest son, and failing issue from that son, to his second son. The elder son may have lived for many years; the second may have died, and his sons may have gone, one to India, and another to North America, while a third may have entered the Navy, and be in another part of the globe. The possessor of the estate may be an old man, who, for the sake of an annuity, is quite willing to give up his title; but you could not take that title and cause it to be transmitted to any one else, until the claims of those who would in a few years succeed had been considered and adjusted. However the Court of Chancery may be said to be a court which is at once very expensive and very dilatory, such an object could not be effected without a great deal of trouble and delay. The right hon. Gentleman proposed, indeed, to give a power of appeal; but I doubt whether, under such an arrangement, there could be much more expedition or much less cost than in the case of proceedings in the Court of Chancery. With regard, however, to the Court of Chancery itself, I certainly do believe that many of its rules with respect to the sale of property, and the claims and rights of remainder-men, are too anxiously framed with a view of taking care that the remote heirs shall not be injured; and I think substantial justice might be done by means of a less costly and dilatory process. I heard with great pleasure what the right hon. Gentleman said on that head, and I do hope we shall be able to amend the Act which was passed last Session. But with regard to the evil in question, my belief is that it is not the evil which is peculiarly pressing at present. When I am told that the Act of last Session has failed, and has not been used, I must say that it is not for want of land ready for sale that the Act has not been used. On the contrary, I believe that it is because there are so many lands for sale with which the proprietors would be glad to part, and which would form a better purchase than these encumbered estates, that there has been so little demand for the estates which come under the operation of the Act. I think in the first place, with reference to the poor-law and to the laws connected with it, that our object is to make these estates a good purchase for persons with capital. I trust that the present state of things is passing away. When the condition of Ireland is improved, and when we have amended the poor-law there, I trust we shall see the transfer of encumbered estates, as well as other estates which need it, proceeding, so that new capital and new energy may be applied to the cultivation of the soil, always taking care that the process is conducted with due regard to the rights of property; for let it be borne in mind, that if in any way we violate the rights of property, so far from inducing purchasers to come forward, we shall discourage them, since they will naturally consider that the injustice which made way for them, will, in their turn, operate against themselves. The hon. Member for Buckinghamshire alluded to the proposal which Government is about to make for assistance to one of the railways in Ireland, and congratulated himself that the plan which he speaks of as having been brought forward by Lord G. Bentinck, and which he supported, but which was opposed by the Government, is now being carried out piecemeal by the Government. I beg the hon. Gentleman to recollect, that the original plan for assisting railways in Ireland was a plan drawn up by a Committee formed under the direction of the Melbourne Administration, and was introduced to this House by Lord Morpeth when Secretary for Ireland. We do certainly propose that there should be made advances for railways in Ireland, for arterial drainage there, and for purposes of land improvement there, similar in their character to the loans which have already been made—advances not exceeding in the whole one million sterling for the three purposes I have indicated. We have always been of opinion that it was desirable to give the aid of the national credit to public works calculated for the improvement of Ireland. Such aid is quite conformable with the principle which has been enunciated by former Parliaments. There are other amendments in relation to the poor-law and in relation to Ireland generally, on which I will not touch at this late hour of the night. I feel very sensible that nothing I have said—that no plan I have introduced—that no general plan I may propose to introduce in the present Session—will satisfy those who ask for some large and comprehensive scheme by which the evils of Ireland are to be remedied all at once. I submit to the House that much of the evil is totally beyond the reach and scope of Government. With respect to that general question which lies at the root of much of the distress of Ireland, the excessive cultivation of the potato on small patches, and the excessive reliance on that produce—who, when landlord, tenant, and labourer are all combined to devote the land in small patches to this culture—who, Lord Lieutenant of Ireland, Secretary of State, or Government at large—can prevent this application of the land? I have repeatedly expressed an opinion in this House that the reliance upon the potato—a crop so precarious—a crop which can only last for use for a single year—a crop which constitutes the lowest class of food, is a most prejudicial and unfortunate reliance; and I have repeatedly expressed the earnest hope that the attention of the people of Ireland might be directed to some other food; but even at the present time, the planting of the potato has been going on in that country to an immense extent, so that a large portion of the lower classes in Ireland are wholly dependent, for weal or for woe, on the produce of that crop. I ask, can any Government—can Parliament—can any law on the Statute-book—can any direction of a Lord Lieutenant—prevent this? If such be so, I ask you to agree to a measure which gives some breathing time, some respite, some hope to those who otherwise may never see an August sun. If you do not wholly approve of the measure in its present shape, give it at least a second reading, so as to affirm the principle that Ireland must advance some portion of the sums which are required for the relief of her distress. Above all, I ask you to rely upon right and sound principles of Government and legislation. I ask you not to believe that any one scheme, or any one measure, however extensive, can relieve these multiplied woes, but to look rather to the application from time to time of remedies adapted to the occasion, so as to show that you really feel for Ireland, that you will act as well as you can for the benefit of

Ireland—that you consider these two kingdoms as one united kingdom—and that you cannot regard any misfortune that may happen to Ireland as otherwise than deeply calamitous to England.

MR. J. O'CONNELL moved the adjournment of the debate.

LORD J. RUSSELL said, he could only consent to the hon. and learned Gentleman's proposition on the understanding that the debate was to proceed on the morrow evening uninterrupted by any of the Motions standing on the Paper.

Debate further adjourned till To-morrow.

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, April 3, 1849.

MINUTES.] *Sat first.*—The Earl of Oxford and Earl Mortimer, after the Death of his Father.

PUBLIC BILLS.—2ª Society for the Prosecution of Felons (Distribution of Funds); Spirits (Ireland).

Reported.—Recovery of Wages (Ireland); Protection of Justices (Ireland).

Received the Royal Assent.—Larceny Acts Amendment; Mutiny; Marine Mutiny; Indemnity.

PETITIONS PRESENTED. From Wicklow, against the proposed Rate in Aid (Ireland).—By Lord Campbell, from Elgin, against the Running of Passenger Trains on the Sabbath.—From Kildare, for the Re-enactment of the Act 28th Geo. III., Cap. 37, against the Stealing and wilful Destruction of Sheep.—By Earls Minto and Ducie, from Edinburgh, for the Repeal of the Game Laws.—From Brighton, that a Demand may be made on the Brazilian and Spanish Governments for the Liberation of all Slaves.—By Lord Monteagle, from Waterford and Cork, for a Repeal of the Fisheries (Ireland) Act.—By the Earl of Carlisle, from Selby, to refer all International Differences to Arbitration by Neutral Powers.—From Islington, for the Adoption of such Measures as may secure the immediate Liberation of Mr. Shore.

ADJOURNMENT OF THE HOUSE FOR THE EASTER RECESS—AUSTRIA AND SARDINIA.

The MARQUESS of LANSDOWNE: I move, my Lords, that this House, at its rising, do adjourn to Thursday, the 19th of April.

LORD BROUGHAM: Before the Motion for adjournment is put, I have to make an earnest request of my noble Friend opposite—that in any negotiations going on between Austria and Sardinia, no act will be done by Her Majesty's Government, by which this country may be committed before we meet again, and from which mischief of an irreparable nature may follow. If any treaty is to be entered into, I trust that this country may leave the business of the mediation between Austria and Sardinia to France; because we stand on a totally different footing from France in respect to those countries. This is not the occasion for entering into a discussion of that question; but I may observe, that I am rejoiced to find that there has in this House been no empty bragging and boasting respecting recent events in Piedmont, like that by which another Assembly seem about to signalise their dying hour—declaring that they would give to the Government the most sincere and active co-operation in case it should think proper to undertake any measures to protect the integrity of Piedmont, which is no more threatened at this moment than the integrity of Russia or the integrity of England. I am desirous that the feelings of the House I have the honour to address should not be misrepresented out of doors, and particularly in the neighbouring nation of France. I am, therefore, very anxious to state that it is utterly and wholly—that it is positively and entirely, and in every particular false, what has been stated in some of the newspapers of the day, affecting to give an account of our proceedings. It is represented, that when I stated, as my noble Friend also stated as a fact, the universal joy and exultation which all parties had expressed upon the late glorious results of the short, and, for that reason, more glorious campaign in Piedmont—it is represented, I say, contrary to the truth, that that observation or statement of fact was received with cries of "Oh, oh!" "No, no!" My Lords, I will appeal to every one present whether it is possible to make a statement so much the reverse of the fact—the cries being an approval and approbation of the fact I had stated. I know that the way in which this House is constructed, is, as I have often said before, extremely apt to mislead those who have the intention, no doubt, of giving as accurate an account as possible of what passes here; and I must in candour say, that as the articulate sounds of some Members of the House are often imperfectly heard, their inarticulate sounds run a less chance of being understood. I am sure the misunderstanding arose from that cause. I have no doubt that was the whole cause of it; but it is the more necessary for me to say this in explanation, because, when that representation goes across the water, we shall hear from certain agitators in France that all the English House of Lords is with them in their lamentations over the late events in Piedmont.

House adjourned till Thursday, the 19th April.

HOUSE OF COMMONS,

Tuesday, April 3, 1849.

Minutes.] Public Bills.—1° Apprehension of Deserters (Portugal); Administration of Justice (Metropolitan District); Ecclesiastical Commission; Copyholds Enfranchisement; County Rates and Expenditure; Employment of Labour (Ireland); Sunday Travelling on Railways; Public Health (Scotland).

2° Poor Laws (Ireland) Rate in Aid.

Petitions Presented. By Lord Ashley, from the Parish of Alness, County of Ross, New Brunswick, and by Mr. Plowden, from Newport, Isle of Wight, against the Parliamentary Oaths Bill.—By Lord D. Stuart, from Inhabitants of Somers Town, for the Adoption of Universal Suffrage.—By Mr. Fox Maule, from Perth, and by Colonel Thompson, from Inhabitants of Islington, for the Clergy Relief Bill.—By Lord J. Stuart, from several Places, and by other hon. Members, from a Number of Places, against any Bill to Compel Railway Companies to Run Passenger Trains on the Lord's Day.—By Mr. A. Hope, from Shadwell, Middlesex, and from the Parish of Wing, in the Diocese of Peterborough, and by Mr. Plumptre, from St. Nicholas at Wade, Kent, against the Marriages Bill.—By Lord G. Hallyburton, from Barry, County of Forfar, and by Admiral Gordon, from Alford, Aberdeenshire, against the Marriage (Scotland) Bill.—By Lord Ashley, from Members of the Church of England, against any Measure for the Endowment of the Roman Catholic Clergy.—From the Citizens of Glasgow, in favour of the Sunday Travelling on Railways Bill.—By Mr. Bourke, from Kildare, for the Re-enactment of the Act 28 Geo. III., Cap. 37, on account of the Robbery and Wilful Destruction of Sheep.—By Lord Gordon Hallyburton, from Barry, County of Forfar, against the Lunatics (Scotland) Bill.—By Mr. Adderley, from the Board of Guardians of Stone Union, for the Suppression of Mendicancy.—By Mr. E. Ellice, from the Royal Burgh of Pittenweem, and by Mr. Plumptre, from Sandwich, Kent, against the Navigation Bill.—By Viscount Milton, from the County of Wicklow, against the proposed Rate in Aid.—By Lord D. Stuart, from the Parish of St. Marylebone, and by other hon. Members, from several Places, for a Superannuation Fund for Poor Law Officers.—By Mr. Arkwright, from Brimfield, Herefordshire, and Ashford Bowdler, Salop, and by other hon. Gentlemen, for the Adoption of Measures for the Suppression of Promiscuous Intercourse.—By Mr. Plumptre, from the Mortgage Creditors upon the Turnpike Road from Canterbury to Sandwich, and upon that from Canterbury to Barham, against the Public Roads Bill.—By Admiral Gordon, from Bridge of Alford, and from Garioch, Aberdeenshire, and by other hon. Members, from several Places, against the Registering Births, &c. (Scotland) Bill, and Marriage (Scotland) Bill.—By Mr. Morris and other hon. Gentlemen, from a Number of Places, for referring International Disputes to Arbitration.

POOR LAWS (IRELAND)—RATE IN AID BILL—ADJOURNED DEBATE (FOURTH NIGHT).

Order read, for resuming Adjourned Debate on Amendment proposed to be made to Question [26th March], "That the Bill be now read a second time;" and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day six months." Question again proposed, "That the word 'now' stand part of the Question." Debate resumed.

Mr. J. O'CONNELL said, he would not delay the House with many observations on the particular question on which the vote was that night to be taken. He regretted that at such a critical moment of the affairs of Ireland, when all acknowledged the necessity of considering those affairs coolly and calmly, the hon. Member for Dublin University (Mr. Napier) should have resuscitated party feelings that should have been let to slumber at such a time. He (Mr. O'Connell) would not follow this example, but would only remark that while he admitted that the people of Ulster had many excellent qualities, it should be remembered they had had peculiar advantages to make them more prosperous than the rest of Ireland; and he indignantly denied the justice of the comparison, so wantonly and unprovokingly drawn by the hon. and learned Member, between them and the poor suffering people of the south and west. The latter were not to be surpassed anywhere for their industry where they had the least opening for it; and the admirable and indeed sublime fortitude and patience they had shown under their terrible sufferings ought to have secured them against the imputations sought to be cast upon them. As to the question of loyalty, it was unworthy of hon. Gentlemen opposite to seek, for a passing purpose, to confound with disloyal practices the constitutional agitation of the legislative independence of Ireland, which had been stoutly advocated by the fathers of many among themselves. He would not make charges by way of retaliation; but would pass the matter by at that time, with simply reminding them that but a few nights previous the loyalty of the North was declared to hang upon so small a matter as a sixpence; and might be accordingly fairly estimated at that value. Upon the question which the House had to decide, namely, the rate in aid, he had not much more to say; but upon the plans which had been propounded to them in the course of the present discussion, he wished to make one or two observations. It was gratifying to every one connected with Ireland to see that so strong an interest in her welfare influenced the minds of men who were regarded in this country as the leaders of great political parties; and he was persuaded that he only echoed the general sentiment of the House when he expressed infinite pleasure at this. Whatever might be thought of the practical character of those plans, there could be no doubt of the sincerity with which they were brought forward; and he was grateful for the sympathy and good feeling which their authors manifested in discussing the condition of his country. But he must protest against the assertion of the noble Lord, that there would be no injustice in laying upon Ireland an income tax or an increased excise duty, or a land tax, or any of those taxes which constituted the difference between the taxation of this country and of that. To place any such burdens upon the Irish people, would be not only morally but legally unjust. It would be illegal, because clearly inconsistent with the Act of Union. They might repeal the Act of Union if they would. If they were induced to do so, he should be very glad; but while it remained in force they had better beware how they infringed on any of its provisions. The Act of Union was a law with which they could not play fast and loose. As they had held to it to the disadvantage of Ireland, they must not get out of it when some good might accrue to that country from its provisions. He knew it was but too frequently the practice for English Members to get up in that House and talk as if Ireland had robbed this country. Now, without using so strong a term as "robbery," he should say that in stating that proposition, the word "England" ought to be substituted for "Ireland;" because, in the transactions between the two countries, England was the gainer, and Ireland the sufferer. At another time he should take occasion to prove this; and especially to meet the strange and, without meaning offence, he should say the absurd calculation of the hon. Member for Lancashire (Mr. Brown), who had talked of 215 millions being due by Ireland; a statement that quite proved that the hon. Member had not studied the facts of the case, nor the provisions and operation of the Act of Union, and the Act of 1816 for the consolidation of the exchequers. Such statements, totally opposed as they were to the facts of the case, had a very injurious effect, as they increased the ignorant prejudice already too much prevailing in England upon those subjects. It was unfair to speak thus at random, where the results might be disastrous, in stopping relief to the starving. It was also unfair to say that Ireland had not made efforts herself; when she had done so to an extraordinary extent, considering her wretched condition. What was the state of the case? Before the famine Ireland confessedly had not sufficient capital to carry on her ordinary trade such as it was. The famine took away from her not less than 12, 16, or perhaps 20 millions of capital; then came a heavy poor-law, which cost the country many hundreds of thousands; it was therefore most unfair to say that Ireland made no efforts for her own relief. It had been said that Ireland owed a heavy debt for her workhouses; but it was to be remembered that the poor-law in Ireland had been for a short time in operation; and there was, therefore, hardly time to do more than build those houses. Ireland was not the only country in debt for the cost of building workhouses. In England, where the poor-law had been for centuries in full operation, there was a debt of 900,000*l.* due for workhouses. If England owed such a sum, was it any wonder that, under the present circumstances, Ireland should owe a sum of 1,300,000*l.*? As to a change of policy towards Ireland, if the hope of this country rested upon coercion Bills or upon poor-laws, that hope would end in utter failure; and he hoped that the progress of that failure would not continue to be accompanied by accusations against the Irish which they did not deserve. They had been blamed for their attachment to the potato; but it should be remembered that they had no choice: they continued to plant it as their only and last stake. And now with respect to the plan of the noble Lord. He told them that he would have all improvements rate-free for two years; he could scarcely do less, because no one would lay out money upon any improvement if he had no reason to expect a sufficiently long tenure to afford him a reasonable prospect of the return of his capital. The want of some principle of security or compensation for outlay of capital, whether that capital was in money, or in the labour of the peasant's hands, was at the bottom of some of the heaviest ills at present weighing upon Ireland; and while it was good to hold out the prospect of such security to the new improvers, there was no reason why it should not be given at once to the occupiers of land at the moment. A maximum for the poor-rate, and money for arterial drainage, and to extend a railway, made up the rest of the noble Lord's plan. The former would be a delusion in practice; the two latter were excellent, but were only subsidiary, not great leading measures. In the plan, then, of the noble Lord, he saw little hope. The hon. Member for Buckinghamshire came next with his plan. He certainly was consistent in his dislike of what were termed comprehensive measures; for he had proposed nothing as a permanent remedy but the paltry device of lessening the area of taxation for poor relief. He had however suggested a good temporary expedient in place of the rate in aid, having said that the produce of income tax paid by Irish parties ought to be distinguished in the public accounts and credited to Ireland, to obviate the necessity of the Government proposal then in debate. He would suggest a supplemental source of revenue for temporary purposes. By a return just presented, it would be seen that they had been able to borrow 1,100,000*l.* from insurance offices on security of the Crown and quit rents, of which Ireland paid a large proportion; and the money thus borrowed had been spent in making a few streets in London. Now why not borrow on the same security, or at least on what was paid by Ireland, the sum now required for relief, or such portion of it as could not be got by the expedient suggested by the hon. Member for Bucks? The plan of the right hon. Baronet the Member for Tamworth did indeed deserve to be called large and comprehensive; others went peddling about with their little expedients and their stop-gaps, but he came forward and staked his great reputation upon a plan almost revolutionary, except that it was not lawless; but, greatly as he admired the abilities and the wisdom of the right hon. Gentleman, he still must take the liberty of saying there were some parts of that great scheme which did not appear to him to be quite distinct. The right hon. Baronet did not in all respects, though he did in some, follow the example of Lord Bacon's plan; he did not recommend the transfer of Irishmen to this country in lieu of Englishmen going to Ireland, though, doubtless, there were proprietors in the west of Ireland who would gladly exchange their estates in Connaught for land in any part of England. In another respect the right hon. Baronet did not follow the precedent of the time of James I.; he had no provisions about absenteeism, or about leases. He feared that the body of small proprietors which the right hon. Baronet proposed to create, would soon have their possessions swallowed up and absorbed in the larger estates. But however that might be, the two main difficulties would, he trusted, be explained away, namely, what provision would there be to prevent the increase of the evil of absenteeism, from the lands falling into the hands of English and Scotch purchasers who would not reside; and also what kind of security of tenure would be given. If long leases, or leases of any kind, were to be enacted, why not adopt that part of the plan at once, and thus stop the disastrous emigration of the farmer and yeomen class from Ireland, and induce them to lay out our savings on the soil, giving employment to the labouring population? He would not say one word as to the grand difficulty of the right hon. Baronet's plan, viz., where was the money to come from to work it out. The right hon. Gentleman was too sagacious not to have well considered that difficulty, and to be able to settle it satisfactorily with the Chancellor of the Exchequer; and between them both it should be left. He (Mr. J. O'Connell) feared that even this plan, large and bold as it was, would not reach the root of the evils of Ireland. That root lay in the deficiency of capital. Her exports and imports pretty well balanced each other; though at the same time it should be remarked that exports of food from a starving people were not a great proof of prosperity. But over and above these items, there was a clear outgoing without any species of return of any kind of not less than eight or nine millions, in absentee rents, interest on mortgages, uncredited taxation, surplus of revenue, and money payment for coals; and no country could prosper when such a drain of the vital fluid of the body politic, the money of the country, went away without return. Was it possible, under such circumstances, that that country could be in a prosperous state? It was the opinion of the party with which he acted that the best way of remedying these evils was to give to the landowners of Ireland an inducement to live upon their property by establishing a home legislature in that country. He believed that the miseries and distress which Ireland was suffering were tending to bring about that result. In the meantime, however, and as present measures, it might be well to adopt a portion of the different plans which had been submitted to the House. He thought they might adopt the suggestions of the hon. Member for Buckinghamshire as to Irish-paid income tax, and those of the noble Lord at the head of the Government, with respect to the advance of capital to Ireland for drainage and railways. He (Mr. O'Connell) would also suggest that if the leading Members connected with leading parties in that House were to visit Ireland during the recess; if a Committee formed of such Members were to go; and the recess to be extended a few weeks to enable them personally to visit the distressed districts of that unhappy country, the best and happiest results would ensue to the subsequent legislation of that House and to the welfare of Ireland.

Mr. LAWLESS observed, that the Irish people knew from bitter experience that they had but little chance of obtaining any efficient relief from the noble Lord at the head of the Government, and Her Majesty's present advisers. They had not forgotten that three years ago, when the famine was at its worst, the Government had refused to adopt those measures which were pressed upon them as best calculated to meet the evil. They were entreated to stop distillation from grain—a process by which the food of a starving people was destroyed, but they refused ; and, though repeatedly urged to open the ports, they long delayed, and consented only when such a measure was too late to be of effectual service. Why was it left to the Americans to freight their vessels of war and merchant ships with food for the famishing people of Ireland ? He considered that every ship in Her Majesty's Navy should have been employed upon that service until adequate relief had been afforded. The measure now proposed by the noble Lord had been condemned by the emissaries of the Government in Ireland who had been brought forward to give their testimony in its favour. An hon. Gentleman had stated that he would support this Bill, in order to remove from Ireland the reproach of national mendicancy. He (Mr. Lawless) did not think the measures would have that effect; and, for his own part, he preferred national mendicancy to national robbery. He considered that this Bill was founded on the rankest injustice. If it were just, so also was the calling of the pickpocket —for he only levied a "rate in aid." He contended that the Government were bound to advance money to the very last farthing in the Exchequer, in order to save the lives of the people; and, if they levied a tax, let it be equally imposed upon every species of Irish property, and let them call upon absentees for a double proportion. The noble Lord at the head of the Government sat as quietly while the people of Ireland were starving, as if everything in that country was going on most prosperously. Indeed, the noble Lord was worse than Nero. He thought the right hon. Member for Tamworth deserved their thanks for the suggestions he had made; but he thought that right hon. Gentleman, if he saw his way clearly on this important subject, while everyone else was roaming in darkness, incurred great responsibility in delaying for a single day to bring forward some specific measure.

Lord C. HAMILTON said, the hon. Member for Manchester (Mr. Bright) had stated in his able speech, that this was a question between life and money; but if he (Lord C. Hamilton) entertained that opinion, he would not have offered his opposition to the proposal of the Government. But that was not a just description of the case. His constituents objected to this Bill, not on account of the pecuniary burden it would impose upon them, but on account of the principle upon which the rate in aid was based. They considered that such a rate ought to apply equally to every species of Irish property, and that it ought not to be thrown exclusively upon the agricultural interest, which was already on the verge of ruin. He must be excused if he adverted more fully to the speech of that hon. Member, as it appeared to him to be the only one that had as yet contained one cogent argument in favour of the rate in aid, and that argument was of such a nature that he hoped it would ensure the rejection of the proposition by the House. The hon. Member had said that he would be satisfied to vote in favour of this Bill if it would produce the single result of making Ulster a portion of Ireland. He did not exactly know what the hon. Gentleman meant by that expression; but considerable misunderstanding seemed to exist with reference to the state of Ulster as compared with the rest of Ireland. There was a general impression that Ulster was highly favoured in respect of wealth, climate, and soil; and that that province possessed natural advantages which were denied to other parts of Ireland. This was a total mistake. He found that, taking the proportion between the population and valuation, Ulster stood below the provinces of Munster and Leinster. The proportions, according to the poor-rate valuation, were — in Leinster, 2*l.* 6*s.* per head upon the whole population; in Munster, 1*l.* 11*s.*; and in Ulster, 1*l.* 8*s.* Munster also possessed decided advantages over Ulster with regard to soil, climate, the facilities afforded by the sea-coast for fisheries and mercantile purposes, and the residence of the landed proprietors. Besides this, in Ulster the valuation was higher than in the west and south; so that if he were to bring down the valuation to the same level, the disproportion would be much greater. If there were any difference at all, it was simply, he believed, owing to the Ulster people being somewhat more thrifty and economical, mere determined and persevering, and better fitted to look after their own affairs. There was only one source of revenue in Ulster which did not exist in Munster—namely, the linen trade; and the advantage of that was compensated for by the mining operations in Munster. If this were so, then the expression of the hon. Member for Manchester, that he would make Ulster Ireland, could only mean that he would bring down that province from the relative state which, by the industry and self-reliance of the people, their energy and perseverance, and their determined resolve not to rely upon the exchequer of the country, but on their own exertions, had enabled it to maintain, to the comparative distress and want which prevailed in other provinces. If the desire were to discourage capital, and injuriously to interfere with those who were endeavouring to stimulate industry, a more certain and unstatesmanlike mode of accomplishing it there could not be than this rate in aid. The hopes and aspirations in which he (Lord C. Hamilton) indulged, were not to make Ulster Ireland, but to raise up the remaining portions of Ireland to the level of Ulster; therefore, naturally, his vote would differ from the hon. Member's. The proposal of Government could not be justified on the ground of urgency; because there were many other ways in which this or a greater sum could be raised from Ireland by the ingenuity of a finance Minister. With respect to the money, he regarded the amount which was sought to be extracted from Ireland as perfectly insignificant compared with the mischievous principle which the Government would establish. The anxiety of the Government might clearly be seen to get in the narrow edge of the wedge, in order to establish the principle. The hon. Member for Manchester expressed the opinion that there would not have been so much opposition to this measure, had not the landlords of the north stimulated it. The hon. Gentleman, no doubt, believed that to be the fact; judging, probably, from a case recently detailed in the public papers, that gentlemen did sometimes stimulate opposition to a rate, whether a church rate or any other. But in the case of the opposition in Ulster, no stimulating influence was required Indeed, he (Lord C. Hamilton) himself was the person stimulated, as having been too indifferent to the subject. The hon. Member for Manchchester had made some observations upon the expense which had been thrown upon two or three great emporiums of wealth and employment in this country for the support of the Irish poor who had resorted thither. Not very long since, when the question of free trade was before the House, some hon. Members on that side of the House had made eloquent and pathetic appeals on behalf of the English labourers; and the hon. Member for Manchester then protested against any interference with the freedom of labour. What, then, attracted these unfortunate beings to Glasgow, and other places in this country, but the prospect of employment? He was therefore astonished that the hon. Member for Manchester should have adverted to this circumstance as if it were a national grievance. He was surprised that one who professed such liberal opinions should have pried so curiously into the rate books of different towns in order to discover how many thousands of pounds were expended on the Irish poor, totally forgetting that while a certain number of paupers came from Ireland into Great Britain, how many wealthy owners of property in Ireland spent enormous sums in this country. Let the hon. Member strike the balance in this matter, and see whether it did not enormously preponderate in favour of England. Ireland would be happy to receive back every one of its paupers if it were at the same time allowed to take back every rich proprietor belonging to it. London was the seat of the Court and the Senate: that caused a great expenditure of Irish money there; and every shilling so drawn tended to pauperise Ireland. But for England to send back the poor and keep the rich, was not consistent with the generosity and justice which were features in the English character. But the hon. Gentleman would reverse the maxim of Scripture; he would fill the rich with good things, while the poor he sent empty away. The justice or liberality of this was not discernible. Unless this country choose to adopt the passport system as regarded Ireland, the free passage of its inhabitants could not be prevented. Perhaps the hon. Member fancied that there existed a practice of sending paupers to England from Ireland. Such a proposition might arise in the mind of one accustomed to the English process of sending Irish paupers back to their country; but in Ireland, where there was no law of settlement, and consequently no power of removal, such an idea was a total delusion. There was no law or fund for such a purpose; and unless he supposed that philanthropic persons subscribed for the purpose, in order to relieve the rates, it could not be done. He was a chairman of a board of guardians near Londonderry, and had never heard of such a practice. If the Union was a reality, so long as the Union lasted, the free transit of Her Majesty's subjects from one part of the kingdom to another must be allowed; it was a consequence of the Union. If they did not like the terms of the Union, let them get rid of it; but do not let them make the natural result of the Union the basis of taunts on an occasion like this. The Union, it would appear, was greatly desired by England. The despatches, recently published, of a celebrated English statesman showed that England resorted to every means within her power to accomplish that Union. It was said, she even bribed and bought—to bring about that Union. The facts were too notorious to be questioned now. England took Ireland for better or worse; and if England were now dissatisfied with the terms, let an endeavour be made to alter them by legislation, but let not Ireland be reproached for the natural or inevitable consequences of an act which England desired and accomplished. It was not his intention to advert at any length to the comprehensive scheme of the right hon. Baronet the Member for Tamworth, whom he regretted not to see present; but there was one point upon which he would make a remark. The right hon. Gentleman spoke of the non-payment of certain loans made for the construction of workhouses in Ireland, and he allowed himself to make use of the word repudiate. He spoke as if Ireland had repudiated the debt, and expressed his regret that it should be so, because such conduct tended to alienate the public mind from Ireland. He (Lord C. Hamilton) did not believe the term repudiate was justified by the circumstances. It was true, that owing to the liberal forbearance of those who, at any moment they chose, could have exercised the power of enforcing the debt, this payment had not been made; but had it been really repudiated, that power would soon have been brought to bear. He trusted the Chancellor of the Exchequer would bear him out in the statement that he (the Chancellor of the Exchequer) had not met in his experience anything to justify the term "repudiation." [The CHANCELLOR of the EXCHEQUER: Hear, hear!] Since that period, large loans had been lent to the same parties, no reference being made to any supposed dishonesty on their part; and he thought he had established that nothing had occurred like repudiation; although there might have been some excuse even for repudiation, seeing that the workhouses were undertaken under the idea that the workhouse test would be maintained, and seeing how the repeated remonstrances of the local guardians against the mismanagement evinced in the erection of the workhouses had been continually neglected, until the Government issued a Commission of Inquiry, which reported that the complaints were well founded, some amount being in consequence of that report taken off the loan. The sum thus deducted, owing to Mr. Pennethorne's award, was 50,000*l.*; but no one conversant with building would believe that such a sum could cover the real damage and loss sustained. The award was made three years after the evils complained of were rectified: all the loss consequent on change of plans, repair of bad work, substitution of new materials, and other improvements ordered by the guardians, and paid for out of extra funds, was excluded from this award. He would now state why he could not understand either the justice or policy of the rate in aid. One argument he would merely repeat—that even were the principle sound, the proposal was altogether inefficient for its object. If the accounts of the miseries that had accumulated, and were still accumulating, in Ireland, were to be believed at all, it was impossible to believe that the sum proposed to be raised could meet the real difficulty. Irish Members felt that there was a mystery as to the future intentions of the Government, and that the Government must be conscious the sum would be insufficient, and that it was impossible that the rate could last only two years. That was the reason they feared to admit the principle. If they viewed the listless hopelessness of the people in Ireland, where there was now no harvest time, and where now that strong attachment to the soil which once characterised the people had almost given place to an alienation, in which the only hope they indulged was that of turning their backs upon their native land, and seeking in a western hemisphere a brighter fortune, and a happier fate, it could not be hoped that an evil so vast would greatly diminish in two years. They must remember that there were wide districts now in which the present genial season ushered in no hopes of future plenty, and no longer clothed the earth with the gladdening prospect of an abundant crop. The word "harvest" had in many places become an almanack term, and no longer represented the operation of the revolving seasons. This apparently made the Government more anxious to establish the vicious principle of this proposal, and, in the same ratio, the Irish Members more determined to oppose it. Irish representatives were sometimes accused of coming to that House with the whine of mendicants to sue for generosity. That was not the case. He, for one, would not stand before the House in that position. All he asked for was justice and a fair consideration of the case of Ireland; and he so much respected the British character for fair play, that he would not believe but that the House, if it investigated calmly the state of Ireland, the liabilities she was now under, and her capability to contribute more largely to the imperial treasury, would feel that the taunts directed against her were not at all deserved. Undoubtedly an unparalleled calamity had rendered it necessary during the past two years for the Government to come forward with large loans for the Irish people, and this advance of money might have caused some irritation on the part of the representatives of Great Britain; but let the whole case of Ireland be calmly considered, and he thought it would be found that that country contributed to the imperial treasury in proportion to her means. If not, he should not deprecate her bearing her fair share of taxation; but if a tax were to be imposed on her, let it be one the least burdensome to those who paid it, and which would not paralyse industry. It was proposed to put a tax upon one species of property already bearing the burden of taxation, just because there was a machinery in operation for levying it; but that ought not to be the consideration that should decide the Legislature. Ought the grower of flax to be compelled to pay the proposed rate, while the manufacturer of it was exempt? But, in truth, was there the machinery by which even the property proposed to be made to pay could be fairly and equally taxed? The valuation ought first to be brought to a uniform standard throughout the country; at present, in the north, they were 40 per cent higher than in the south and west. The fact was, that when the poor-law was introduced, each union was intended to be for this purpose a separate district, and therefore the only object was to fix a fair relative value as between the different electoral divisions; a discrepancy in the valuation in two different unions was of no consequence as between them. As a proof of the manifest inequality of the valuation, he would refer the House to page 38 of the second report of the Select Committee on the Irish Poor Laws. Mr. Griffiths, one of the Commissioners for the valuation of Ireland, gave the following evidence in answer to Sir James Graham:—

> "Do I understand you to say that the poor-law valuation throughout Ireland has been estimated upon data varying throughout Ireland, and is an unequal valuation?—I think that is the fact.
>
> "Is it your opinion that any general rate levied upon Ireland with reference to that poor-law valuation would be an unequal rate?—I think it would.
>
> "You would reject, therefore, with reference to a general rate throughout Ireland, the basis of that poor-law valuation absolutely?—I would."

And in answer to another Member of the Committee, the same witness stated further—

> "Do not you think one of the principal elements in the poor-law valuation is equality as between each district in the union? Equal valuation is of the utmost importance.
>
> "If it is so in each union, if you had a general rate over the kingdom, would it not be of equal importance that each portion of the kingdom should be equally valued also?—Certainly.
>
> "Then any valuation which exists at present is imperfect for that purpose?—Certainly."

Under these circumstances he would say that, until they showed the House that they had some other mode for levying this rate besides the present poor-law valuation, it was obvious that the imposition of the tax would be most unjust. The inhabitants of Ulster were argued with as if they were indifferent to the wants of their countrymen, who were suffering from the most fearful distress; and they were told that at such a moment as the present it was cruelty to resist the imposition of this tax. But he would reply, on the other hand, that emergency had existed for the last two years, and if the Government wished to relieve it, they might advance the money, pending the settlement of the question, as they were sure of having a majority in that House that would indemnify them for such an act. And he would say further, that, with the existence of so much misery and starvation, he could not conceive how any Government could have paused for a moment before bringing their administrative talents to deal with it. So far, however, from that being the case, this measure of a rate in aid was a mere afterthought. In 1846, a stranger would have supposed that Ireland was the most favoured portion of the united kingdom. One Government was thrown out, and another got in, on the strength of the vastness of their comprehensive remedial measures. But for two years and six months that had since elapsed, these remedial measures had not been brought forward. Had there been a miscarriage, or had this comprehensive policy fallen still-born? After a period of gestation longer than anything that was known in animal life, they had as yet seen nothing but this rate in aid; and he hoped that the House would hear from some Member of Her Majesty's Government whether they were really to expect nothing else after the great promises of the year 1846. This measure appeared to be an afterthought; one would almost think that it had occurred to the Government since the commencement of the Session. It had many traces of being an adopted child. It was fair to ask whether it was the only measure to be proposed upon the subject. In 1846 the Government came in, pledged to bring forward great remedial measures for Ireland; a new era was to dawn upon the land. It was announced in strains of triumph, "coercion now is dead." It is for ever banished from all future legislation for Ireland—that country, under the fostering influence of great comprehensive remedial measures, was to take her fitting place in the scale of nations. So spoke the Government in 1846—the poet told us—

> "Hope springs eternal in the human breast,
> Man never is, but always to be blest."

Is Ireland to wait in expectation of being blest, or is this proposition the full measure of her promised beatitude? As for the right of Parliament to tax Ireland, that was not disputed; but the question was whether, constitutionally, Parliament had a right to tax one portion of the kingdom exclusively to meet the wants of another portion? Was there any precedent for that? If there was distress in Sutherlandshire, might Yorkshire exclusively be taxed to relieve it? This was called a national tax, then one would naturally suppose the produce was to go into the national exchequer; but no such thing was to be done with it. It was to be a tax totally kept from the control and supervision of those who paid it, and of the representatives of Ireland. Would Englishmen or Scotchmen tolerate such a system? This was never intended when the English and Irish Exchequers were consolidated; and the 21st section of the Act then passed showed that if there were taxes for special and local purposes in Ireland, the produce was to be paid into the Exchequer. The money now to be raised was to be handed over to the Paymaster of Civil Services; but in England, when it was desired to apply money to the civil services, Parliament was applied to, and the representatives of the people could check and control its application. But in the case of Ireland, that wholesome precaution was to be got rid of. Let an instance be taken to show the injustice of the present proposition. The county of Donegal had a population exceeding by 91,000 the number of pounds to which the townlands valuation amounted; there were eight unions in that county, and not one of them was in the hands of vice-guardians. It had an iron-bound coast, few roads, a population that had greatly depended upon the potato; but it had acted nobly upon the principle so much commended of self-exertion, and the most praiseworthy sacrifices had been made. They had, in fact, stinted themselves to the utmost, in order to do their duty to their poor countrymen. The hon. Member for Manchester taunted them with having too many dogs and horses in Ireland; but most assuredly that taunt did not apply to the recent condition of Donegal. He would take another county, that of Clare, where the population was nearly the same, but the valuation more. In Donegal there was an excess in population of 90,000 above the townland valuation; but in Clare the valuation was 9,000*l.* above the population, and the result was, that in Donegal the valuation was at the rate of 13*s.* 6*d.* per head, while in Clare it was 1*l.* 1*s.* 6*d.* per head, making a difference of 8*s.* in favour of Clare. In Clare, where there were four unions, three of them were in the hands of vice-guardians, while in Donegal, which had eight unions, there was not one in the hands of vice-guardians. There was an accumulation of debt amounting to

28,000*l.* in Clare, and it would probably be soon increased to 40,000*l.* He had shown that Clare was much more advantageously placed than Donegal, yet, by self-denial—by the spirit of self-reliance—by the encouragement of industry, and by many sacrifices, Donegal had been able to weather the storm, and, amid unparalleled sufferings, to do its duty to its country. But, instead of meeting the reward to which their great exertions entitled them, from those who preached but did not practise the doctrine that Ireland should not be always looking to the Government, but should depend on her own resources, the county of Donegal got a death-blow from the Government, and was to be oppressed with a charge of 6,000*l.* a year, not for her own advantage, but for the benefit of other counties more favourably situated than Donegal was. What must be the feelings of the people of Donegal under such circumstances? He asked Gentlemen to put themselves in the position of the people of Donegal, and say on what principle of justice they ought to be called upon to contribute to those much more favourably situated than themselves. They might well ask why was it that the whole spirit of improvement was to be crushed in that country?—why they were thus to be defrauded of all their fond hopes that, by dint of strenuous exertion and industrious self-reliance, they would ere long be able to overcome all the difficulties which they had hitherto contended with? The tendency of the measure would be not merely to take from them the sum of 6,000*l.*, but to paralyse the efforts they were now making; thus they would have the whole county swelling the number of those unfortunate beings who sought support from this rate in aid, and instead of strengthening the springs of action, which might bring about a very different state of things, they would only weaken them. After the counsels so often given by the illustrious nobleman at the head of the Government in Ireland—after the many useful, economical, and political lessons he had tendered to deputations asking for Government aid, and the advice he had so uniformly tendered to them to depend upon individual and personal exertions, he must confess he did not understand how that noble Lord should approve of the course now taken—a course so much calculated to destroy the efficiency of his past advice, and to neutralise the progress of those agricultural improvements he had so liberally promoted. He (Lord C. Hamilton) had incurred odium in Ireland by his efforts to uphold the poor-law; and he would now beg to remind them of the effect which this rate in aid would have on the administration of the poor-law generally. It was not the 6*d.* that was objected to, but the principle of taxing one particular portion of the country, and applying that tax elsewhere in a manner over which the ratepayers could have no control. Already it was found difficult to get men to act as collectors of poor-rates; but where were they to find collectors when the odium of the rate in aid was attached to the whole poor-rate? If they insisted on imposing the rate in aid, let them impose it as a separate tax, and not, by confounding the two rates together, leave it impossible for any man to contribute to the one without feeling that he might at the same time be contributing to the other, and thereby infuse a spirit of discontent into the minds of those who had hitherto willingly and cheerfully contributed to the poor's fund. He would then conclude by tendering to the noble Lord at the head of Her Majesty's Government his sincere thanks for the generous manner in which he had defended the loyalty of Ulster. He had nobly vindicated that province from the charge of diaffection which had been made, owing to certain hasty expressions at public meetings. This defence of the noble Lord was the more generous, as the representatives of Ulster had ever opposed him in his political career. He therefore thanked him most unfeignedly. Indiscreet language might have been used; but he would say, on the part of the people of Ulster, look not to their words, but to their deeds, and he would confidently appeal to the uniform and steady loyalty of that province.

Mr. W. BROWN, in reference to the observation of Mr. J. O'Connell, as to his calculations on a former evening, respecting the amount really due from Ireland to this country, said, the hon. and learned Member for Limerick had not impugned the accuracy of the calculations, but alleged that he did not say that England was Ireland's debtor for 60,000,000*l.*, intimating, however, that she would have been so if the arrangements made at the Union had been fairly carried out. It was certainly not with the expectation that the 200,000,000*l.* would ever be paid, that he (Mr. Brown) made the calculations alluded to, but to show to Ireland, on the score of indebtedness, she had no claim on England. He then stated, if the Irish people, in place of calling on Jupiter on all occasions to help them out of their difficulties, would fairly put their own shoulders to the wheel, they would find no indisposition on the part of England to relieve them in their distress. The noble Lord opposite (Lord Claude Hamilton) had said, that no money was paid to enable Irish paupers to come to England; but we had reason to complain that the evictions which took place, and the money given to get clear of tenants, produced the same effect; and he (Mr. Brown) therefore thought the people of this country had every reason to complain. The hon. Member for Manchester had pointed out, in a very eloquent and forcible manner, the enormous increase of our poor-rates in consequence; but the pecuniary loss was of less importance than the demoralising effect on the working classes in England from so large an influx of Irish paupers. Although we could not, and ought not, to interfere with the labour market, as all parties had a right to pass from one country to the other with perfect freedom, yet the wages of labour were reduced by Irish competition; and our operatives suffered by it, and so did the landed interest; for before this influx of Irish paupers, our manufacturing towns were able to relieve them from much of their surplus population, but now those hands would be thrown back upon them, and necessarily increase their poor-rates; so it was not the actual sum paid for the casual Irish poor, but a consequent rise of poor-rates throughout the kingdom. He (Mr. Brown) had listened with great attention to the measure proposed by the right hon. Baronet the Member for Tamworth, but he did not clearly understand to what length he wished to go. He spoke of a commission. Did he mean that that commission should take possession of embarrassed estates, and should again sell them in small portions to those disposed to purchase them? If so, he quite agreed with him. Many purchasers of that kind might be found among industrious yeomen, provided they got a Parliamentary title at once; but if they could not get a title for five years, as was laid down in the Act of last year, then, to bring these estates into the market would be of no use. There were plenty of lands at present that could not find purchasers, but which would be more saleable if titles were given with them instanter. He (Mr. Brown) thought something like the course adopted in apportioning the 20,000,000*l.* for the slaves in the West Indies, might be followed with advantage in this case. There were, in round numbers, 100,000 claimants, 30,000 of them disputed. There was every kind of adjustment to be made; mortgages, book debts, wills, family and marriage settlements, and entails; and those had to be settled by the commissioners as arbitrators under the French law, Dutch law, Spanish law, and English law, and they got through them all in about four years. Now, if a commission were appointed, with ample powers, they might at once begin with the immense amount of Irish estates that were in the hands of the Courts of Chancery and Exchequer, where receivers were now appointed, giving to the purchaser a title at once against all claims, and a clear field to commence on, and the purchase-money received from them to be invested in the funds, the rights of all parties reserved until the arbitrating commissioners could order it to be paid over to those who, in equity, ought to receive it. Investing this money in the funds, in most cases, would be much better for those entitled to the proceeds of the property, than being embarrassed with a less productive estate. Although many of his Irish friends were sincere in their belief that a repeal of the Union would benefit their country, he thought this agitation was a great evil. So long as it continued in the slightest degree, capital, which they so much wanted, would be slow to enter the country, for the English mind associated repeal and revolution together. England had given proof of its sincere desire not to let the Irish people starve, if honest exertions were made there to aid themselves. If they showed a ready acquiescence in the sixpenny rate in aid, the people of England would be ready to give them further assistance. It had been objected to the rate in aid, that it did not come into the English Exchequer, to be disbursed under the control of Government; but this argument did not hold good, for the noble Lord (Lord J. Russell) had told them that he would call upon the House to advance 100,000*l.*, in anticipation of repayment out of the rate in aid, the disbursing of which could only be sanctioned under the control of Parliament. If, however, they preferred the income and assessed taxes, he, for one, would be most willing to accept that alternative; for he never could see why a gentleman in Ireland, who had an income of or made 1,000*l.*

a year, was not as able to pay the income tax as a gentleman residing in England, who had the same income; nor could he see, where a gentleman could afford to occupy a house with thirty or forty windows, why he was exempt from a charge to which Englishmen were subject for the like accommodation; and those who kept carriages, horses, and servants, were fairly presumed to have the same means of paying the taxes as those who had similar luxuries in England. Under such circumstances, he should certainly vote for the rate in aid. He thanked the House for the attention with which they had listened to his observations.

Mr. SHARMAN CRAWFORD intended to oppose the proposition of the Government. He felt doubly bound to do so; he stood there as an Irishman claiming justice for Ireland, and also as an English Member to guard England against unjust legislation. This Bill was based on injustice, because the Commissioners whose duty it would be to carry out its provisions would be constituted the sole judges of the necessity of levying the rate, and to them would be confided an uncontrolled distribution of the rate. He was very much inclined to believe that the hon. Member for Manchester had not read the Bill when he said that he would give his vote in support of it. He would do the hon. Gentleman the justice of saying that every other portion of his speech showed the inefficiency of the measure, the principle of which was completely adverse to all the constitutional principles of the empire. He objected to establishing any separate system of taxation for Ireland as long as the two countries were united. He objected to a system of separate taxation without a separate system of legislation. It had been often asserted that Ireland did not pay her fair proportion of taxation. That was a question of Ministerial policy; and in order to come to a conclusion upon it, they should examine the Articles of Union, and see what she was bound to, and what she did perform. In the Articles of Union, she was bound to pay as 2 to 15, this agreement to be open to reconsideration; but it was stipulated that the readjustment should be based upon an estimate of the comparative value of the imports and exports of the two countries. These articles of agreement were never adhered to, and Ireland was taxed in the proportion of 1 to 11. There was an impression that Ireland had been a drain and an incumbrance upon England. She never was until the Union. As long as she had the enjoyment of her own legislative assembly, she flourished, and instead of a drain was a support to England. In the year 1795, when England was in difficulties, Ireland voted a sum of 600,000*l.* for seamen alone, for the exclusive use of England. The Speaker, in announcing this fact to the Irish Viceroy, stated that the liberality of the gift proved that Ireland was determined to stand or fall with the British empire. He also said, notwithstanding the largeness of the gift, the country was able to afford it without inconvenience, as her growing wealth and resources enabled her freely to make the sacrifice. This was not a single instance. Irish Viceroys, before the Union, were in the habit of thanking the Parliament of Ireland for their liberality. The late Lord Cornwallis said, "I thank you for the large and extraordinary supply which you have voted to meet the exigency of the occasion." He was willing to assent to the imposition of an income-tax in Ireland provided the amount were paid into the imperial exchequer, and that the imperial exchequer should thenceforth be liable and responsible for all the wants of Ireland. With regard to the plan of the right hon. Baronet the Member for Tamworth, he seemed to have forgotten some facts with regard to the plantation of Ulster. The benefits derived from that measure sprung from the terms which the Crown made with the undertakers or landlords. The Crown stipulated that they should not demise any part of their estates to tenants at will, and that no uncertain rents should be reserved. In the year 1624, James I. sequestrated most of these estates for non-compliance with these terms. In the reign of Charles, the estates were all forfeited upon the like complaints; but they were eventually restored. The prosperity of Ulster was consequent upon the great security in the possession of the land which the tenant enjoyed; and he would tell the right hon. Baronet no scheme of his would be effective until the occupier of the soil possessed such an interest in it that he would be encouraged to lay out capital upon it. The proposed sum of money was to be expended upon the purchase of a miserable pittance of food only sufficient to keep the unfortunate recipient in a half state of life. What good would food do unless he was also clothed? It was well known that food without clothing would not support life; it was also well known that most of these unfortunate creatures were destitute of the commonest clothing. This sum of money, then, expended upon a miserable pittance of food, would only increase the evil, and introduce a species of a more lingering death. If the money were to be expended, he should wish to see it laid out in such a manner as would be productive. He opposed this Rate in Aid Bill, because he thought it dangerous to England, while it was unjust to Ireland. It was dangerous to England, as it would increase the discontent which prevailed in Ireland; and instead of their being able to keep Ireland with a force of 40,000 men, they might not be able to do it with twice that number. He was not the man to say that the imposition of the rate would produce disloyalty; but he was sufficiently well acquainted with the disposition of the men of Ulster to know that it would not be received with a helping hand; and if a certain kind of opposition was entered against the rate, he asked them how would it be possible to collect it? What would be the expense of bringing the goods to sale, supposing that they found a purchaser, which was doubtful? It had been said that the people of Ulster had been excited by the landlords against this measure. Now, it was well known that in the county of Down a strong feeling existed against this rate, and that the Marquess of Londonderry had written a letter to his tenantry deprecating the agitation that was taking place upon the subject. But what did his tenants do? They met in the principal town on the noble Marquess's estate, condemned the letter and the advice it contained, and passed some very strong resolutions against the rate in aid. This was a proof that it was not the landlords who were stimulating the tenants, but rather showed that the tenants were instigating the landlords to come forward and oppose this measure. He begged to say that he did not repudiate on the part of Ireland the payment of her just debts; but neither ought England to repudiate her just responsibilities. It was England's own neglect that had brought Ireland into her present condition. Had the Legislature done its duty, and adopted those measures which had been recommended by successive Committees, Ireland long before this would have been in a situation not to suffer from the failure of a potato crop; for she would have ceased to be a people feeding on potatoes. He wanted to see a real union with England; and if he did not see that, he wished to see the Union repealed; he would not be content with the half-and-half Union which had been existing for the last forty years. The Government should adopt soothing and conciliatory measures in Ireland. Until they did so, England would never have strength. With regard to the rest of Europe, England was responsible for the condition of Ireland, which was owing to her neglect and mislegislation. The hon. Gentleman concluded by appealing to English Members, as the supporters of public liberty, not to give their sanction to this measure, which, he believed, would be most injurious to the interests of both countries.

Sir D. J. NORREYS said, that the hon. Member who had just sat down had thrown a great deal of virtuous indignation against the constitutional principles involved in this Bill. The hon. Member said that for forty years the men of Ulster had lived in a half-and-half state of loyalty, half English and half Irish; he (Sir D. Norreys) did not doubt it, the men of Ulster were amphibious. They did not wish to be taxed for the benefit of their brethren in the south. That was the whole truth of the matter, and the hon. Member for Rochdale had spoken like an Ulster man. According to the evidence of Mr. Twisleton, the farmers were giving up their lands and were emigrating, the labourers in all parts of the country were in a most wretched condition, no work and no money—nothing even to pawn; the pawnbrokers were doing nothing, as the unfortunate people had not even clothes to pawn. They had been called upon to help themselves. Well, they did so; they assented to a tax — a poor-law rate, which it was averaged should only amount to 600,000*l.* per annum. What was the fact? Last year it amounted to 1,600,000*l.* The failure of the potato crop was estimated at the sum of 11,000,000*l.* He was of opinion that this eleven millions only represented the interest upon a sum six or seven times larger. Let them reflect upon the instances where labour was paid by potatoes, and they would see the grounds upon which he deduced his theory. Some hon. Gentlemen said they preferred an income-tax; but he could not learn from them whether they meant a perpetual one, applicable to general purposes, or a temporary one for a temporary purpose. He thought nothing could be more unwise in Irish Members than thus putting the idea into the heads of the English people, that that tax ought to be imposed which they had hitherto trembled at the very possibility of the imposition of. If, however, it was proposed to extend the English income tax to Ireland, then he considered this was rather an Hibernian mode of relieving ourselves from a difficulty—it was taking off a sum of 250,000*l.* to impose a sum of one million. It had been also objected that the rate in aid was insufficient. He thought it was insufficient, and that the Ministerial proposition ought to have been a rate from 9*d.* to 1*s.* in the pound instead of 6*d.* He would not have the tax imposed upon those unions which were to be its recipients, and that they might be effectually relieved he would propose a higher rate than 6*d.* in the pound on unions able to bear it. In a word, he preferred a larger amount of rate, but operating in a more restricted sphere. He thought that the Irish poor-laws ought to be framed on the principle of a general rate in aid, and that one union ought to be compelled to assist another. He was of opinion that the unions at large ought to be taxed to a certain maximum amount before they looked to other sources; but when that maximum had been reached, he thought a rate in aid ought to be imposed over the country, the province, or the nation, as Parliament might think fit. And he founded his suggestion upon the general principle that no portion of Ireland was legally or morally responsible for its pauperism. The poorest union was not more responsible than the richest. The freedom from pauperism in Ulster might be traced to Cromwell. The north of Ireland was free from pauperism, because the west was crushed by it. Another cause of pauperism was the fall of prices, the breaking up of the system of middlemen at the close of the war. At that period the landlords were, for the first time, forced into communication with their properties, and finding many of them overrun with poor, many of them got rid of the inhabitants in a mode more economical than humane. As a matter of course, the richer districts were first cleared. But where did the wretched occupants go? Where but to the poorer districts — the poorer lands and to the towns. These two causes were in operation until 1829, when another stimulus was given to the eviction of the population, namely, the suppression of the forty shilling freeholders. Landlords then wanted the land more than its population. The poor-law was next imposed, and instead of the burden of pauperism being distributed over as extensive an area as possible, and as Parliament intended, after that Act was passed the liability was limited to those districts in which pauperism was found. The process of eviction led to the improvement of the wealthier districts of the country; farms were consolidated, and a more improved system of agriculture introduced; they were therefore better able to bear the load of taxation than those needy districts to which taxation was almost confined. He thought the pauperism of Ireland ought to be made a common burden, as far as that could be done without abuse or mismanagement. A change of landlords had been spoken of as a remedy for the present state of things. He thought that proposal quite hopeless. Gentlemen before a Committee which recently sat had spoken of wheat having been grown in England 800 feet above the level of the sea, and in some instances manure was carried up on the backs of the farmers, but the want in Ireland was not the want of land, for there were thousands of acres of good land in champaign districts lying waste or untilled. Almost every union in Ireland might be said to be a fair epitome of the remainder. In nine cases out of ten, the unions were composed of comparatively rich districts, and of those in which there was a large quantity of poor land. Now, he took it almost as a matter of certainty that in every union they would find that pauperism existed exactly in proportion to the poverty or wealth of the district. He would mention the unions of Kanturk and Listowel. Select from electoral divisions in the Kanturk union the two highest and the two lowest rated. The proportion of people in the highest rated union was 1*l.* 18*s.* 10*d.* per head — that was to say, that for every individual in the union there was 1*l.* 18*s.* 10*d.* of value. Now, those electoral divisions were rated at 4*s.* 8*d.*; but he was wrong in saying that 1*l.* 18*s.* 10*d.* was the highest, for there was one in which there was 2*l.* 8*s.* of value for each individual who inhabited it. In that electoral division the rate was 4*s.* 10*d.*; but when they came down to the two of the lowest value — the two electoral divisions — he found that the rate of value was only as 17*s.* 10*d.* and 18*s.* to each individual; and yet in these two electoral divisions the rates were 8*s.* and 9*s.* in the pound. Now this was exactly the position of Ireland generally—in those districts which had the least means to relieve pauperism, there was the largest amount of pauperism to be relieved; therefore he thought it was only just and fair that, since this pauperism had arisen from no fault of the ratepayers of those heavily-burdened and needy districts, the whole country should come to their assistance. As for thinking that means of employment would be found sufficient to relieve those districts, the supposition was hopeless. They could never force men to give employment where there was no prospect of remuneration for investment—they could never break through those laws which were the foundation of social economy. The system of forced employment could never be carried out. As for the rate in aid being oppressive, he denied that entirely. He confessed he had very much changed his mind upon the subject of absenteeism. He had always hitherto opposed the attacks made upon absentees as such, because he thought that, in a free country, it was inconsistent and unsafe to interfere with the freedom of action and of personal liberty as regarded property. But, from the operation of the poor-law, it was absolutely necessary, in order to check the progress of demoralisation which was now going on, that that law should be much better and more efficiently administered than it was—it was indispensable for this purpose that there should be a superior class of men upon the spot to those which they had at the present time; and, to effect this, he would propose that the rental of the landlords who lived out of the country, or were out of the union in which their property was situated, should be taxed, and expended in relief of the union in which they might reside, as a kind of compensation for their absence. He thought it was to be lamented that the right hon. Baronet the Member for Tamworth had not made a more full and complete development of his plan, for it was not easy to see from his speech, to which he had listened most attentively, how it was to be carried out. He did consider the suggestion of the right hon. Gentleman, that persons should be forcibly dispossessed of their lands, a very grave and serious suggestion, and one which seemed somewhat strange, coming as it did from a Conservative statesmen. Another significant speech had been made by the hon. Gentleman the Member for Manchester, who would do away with entail settlements and restrictions which prevented or restricted the free use of property. His suggestions were cheered, and he (Sir D. Norreys) confessed that he too was one of those who cheered them heartily. He believed the only mode of procuring the salvation of Ireland lay in the two propositions of the right hon. Baronet the Member for Tamworth and the hon. Member for Manchester. He believed nothing effectual could be done for Ireland until the landed property of that country was completely unfeudalised. They could not hope, he repeated, to force men to give employment—it must proceed from the simple, voluntary, and general development of the resources of the country in every part. What the Government had to do was to give the Irish people an opportunity of turning to advantage those opportunities and developing those resources which Providence gave them, and no longer to allow the land to be tied up by that feudalism which was wholly unsuited to the position of Ireland. The right hon. Baronet proposed a commission to effect his objects. He would couple with that commission the proposition of the hon. Member for Manchester. He would give that commission power to decide on the rights of parties, and to award compensation for those rights, for it was in no way necessary or desirable to rob persons of those rights. A great step had been already made in this direction by a Bill last year, which converted the charges fixed upon land to a question of pounds, shillings, and pence. The hon. Member then gave some instances which came under his own knowledge and observation, in which the improvement of land and the erection of factories which would give employment, were affected by the restrictions appertaining to feudalism and the law of entail. He concluded by saying that he would not give the benefit of a general rate to every district which had not paid up a certain amount towards its own maintenance, but he was of opinion that particular districts ought to be excepted altogether from liability for a certain number of years. He thought that if a maximum rate were fixed, subject to the exceptions he had mentioned, coupled with some trifling modification of the poor-law, great benefits would result.

Mr. MONSELL thought the hon. Baronet's conclusion at variance with the case he had made out at the commencement of his speech. He admitted the necessity for a great and independent exertion on the part of Ireland; and that necessity was also admitted by his constituents, who, however, expressed their opinion—an opinion in which he concurred—of the injustice of the manner in which Government proposed that that exertion should be made. He thought that it was an insult to Ireland that this measure should be pressed forward in opposition to the direct testimony of the chosen witnesses of the Government, and those, too, who were most conversant with the poor-law, and its application to Ireland, as Mr. Senior, Mr. Gulston, and Mr. Twisleton. In imposing such a measure as a rate in aid, Government was bound to take into consideration the question of valuation, which they had not done. To impose it on the present valuation would be manifestly unjust, as that valuation was admitted on all hands to be most unequal. Then, with regard to the amount the rate would produce. The Chancellor of the Exchequer had calculated it at about 250,000*l.*; he, and others who knew the country, did not believe it would produce any thing like that sum, while certainly not less than 390,000*l.* would be required. Taking these circumstances into consideration, the valuation, the strong testimony against it, and the proved insufficiency of the amount which would be raised, he could not understand how Ministers could determine on persevering with the measure. The question of precedent had been satisfactorily disposed of by his hon. and learned Friend the Member for Dublin University; and if it were to be admitted at all—if the English rate in aid was admitted to be a precedent for the measure—after what had been said by the hon. Baronet the Member for Mallow on the subject of a national rate in aid, he would ask what was there that this measure might not be used as a precedent for—what was there which it might not be brought forward to justify? These were strong objections, but they were not all. A strong objection, in the present circumstances of Ireland, was, that this tax was part of a system whose object was by an unassisted poor-law to deal with the circumstances of famine. On this subject he might quote a high authority, that of the hon. Under Secretary for the Home Department, who says—

> "The poor-laws are intended for the habitual relief of ordinary distress—their machinery is not such as to afford support for a whole population in seasons of extraordinary distress. It might be as well objected that the poor-laws did not make rain fall or the sun shine, as that they do not protect us from years of scarcity and famine."

The whole course of Government policy on this question was to deal with this case of unexampled distress and famine in Ireland by means of the poor-law alone. It was true that money had been advanced for improvements of land; but much more had been advanced, for the same purpose, to England and Scotland. The noble Lord at the head of the Government, in his speech on the previous day, intimated that advances would be made to Irish railways. That railways were important to Ireland could not be denied; but it was fallacious to suppose that they would be effective as a means of relieving existing distress. The 300,000*l.* the noble Lord proposed to advance would go to make about thirty miles of railway, and not more than one-third of that sum would be expended in manual labour; and that employment would be given in a district comparatively free from distress. What amount of relief, therefore, could be hoped for from that proposition might be easily estimated. The noble Lord also stated that money would be advanced for arterial drainage. Now, let it be understood what that amounted to. Many such works had been commenced, within the last two years, with insufficient surveys and incorrect estimates, and had been managed in the worst possible way; and, as the Government officers had been the cause of these works not being completed for the amount contracted for, there was not much to thank Government for in respect to the money they proposed to advance under this head. Under the system proposed, the greater part of Ireland would be left in her present condition. Let the House consider what that condition was. It had been stated, in the course of the debate, that eleven-nineteenths of the Clifden union had already gone out of cultivation. The accounts they had had of the distress there showed that, during the frost in January, several people perished for want of clothes to protect them from the weather. The hon. Baronet who preceded him had described the manner in which, throughout the south of Ireland, the farmers were abandoning their holdings, and the capitalists were mortgaging their properties. Now, the real facts of the case were these—that, since the month of September last, when it was known the potato had again failed, the panic had so greatly seized the farmers in Limerick and other northern counties as to cause numbers of them to emigrate to America. An emigration agent, holding the largest office in the south of Ireland, had written to say that the persons leaving the country consisted of the largest capitalists, and that when these men went, there would be a smaller number of labourers employed than there was at present, and a larger number thrown upon the poor-rates. These ill effects were not confined to the twenty-one suffering unions. A gentleman of undoubted veracity had written a letter to him (Mr. Monsell), descriptive of a district not included in the twenty-one unions, and it described one of the most fearful things he had ever read. It stated that some short time ago, ten proprietors, who had given labour and employment, had resided in a certain district, and that now, with the exception of two or three, all those persons had been absolutely ruined. One was in gaol. One or two others had failed. Another had had his property sold in the centre of the village for poor-rate; and it might be truly said of the whole of them that they had been utterly crushed and annihilated. He, therefore, must say, that if there ever was any system judiciously devised for getting rid of an inconvenient class and race quietly, not in a way to shock public feeling and sentiment, but at the same time to do it surely and gradually, he believed the system now going on in Ireland was admirably calculated for that purpose. He did not say it was the intention of the Government to effect such an object; but this he believed, that Her Majesty's Ministers steered more by the winds and waves than by the compass; that they were thinking far more of how they might succeed in obtaining majorities in that House, than how they might really alleviate the distresses of the sister country. Nevertheless, the means for the redemption of Ireland were obvious enough. The hon. Member for Manchester, had with great ability and eloquence alluded to one of them the night before. In the union of Kilrush, where 10,000 persons had been driven out of their holdings, a Mr. Vendeleur Stewart had purchased an estate in Chancery; but, up to the present day, he had not been put into possession of it, although the whole of his purchase-money had been paid into court. This unsatisfactory state of things was entirely attributable to the tedious proceedings of the Irish Court of Chancery; and the consequence was, that whilst Mr. Stewart was not put in possession of the property for which he had paid the purchase money—while for that purchase money he received no interest—all the evicted tenants of other estates had crowded together and squatted upon his property, over which he was unable to exercise any control. Now, why should such doings as these be allowed to continue? Was it not the bounden duty of Government to introduce some measure which should put a stop to the great difficulty and delay at present existing in the Irish law courts—and so facilitate the purchase of estates? It was no wonder, under these circumstances, that the proposition of the right hon. Member for Tamworth had created throughout Ireland a profound and deep sensation. In that country every advantage was afforded by nature for the productive expenditure of capital, and yet there was some obstacle which prevented English money from being transmitted across the Channel; but the right hon. Baronet had proposed a plan for dealing with the social state of Ireland by enabling capital to take its natural course and to flow into the country. For that purpose he stated that he considered it necessary to have somebody on the spot who should keep his hand on the pulse of the patient, and see what was immediately required; and he (Mr. Monsell) could not believe that the arguments used the night before against the plan of the right hon. Baronet could have any weight either in the House or throughout the country. The hon. Member for Buckinghamshire had indulged in verbal criticism when he asked how any plantation was to be created, seeing that there were people already on the land, for he seemed to forget that there must in many cases be room for new proprietors and a new class of farmers. Then the hon. Membet for Buckinghamshire said that the plan would give too great facility to the landlords in the distressed districts to get rid of their estates, because they would be enabled to sell them on better terms than landlords in other parts of the country; but this statement showed that he believed the plan would be extremely likely to work, and that it would create a very great inducement to purchasers and sellers. The noble Lord at the head of the Government had placed distinctly before the House, the night before, what his views with reference to Ireland were, and certainly a more cheerless and hopeless speech it never was his (Mr. Monsell's) lot to hear. The noble Lord had spoken of the manner in which England had been dealt with in the time of Elizabeth, and then he seemed to want to make out, in some mysterious manner, that the 43rd of Elizabeth had produced Milton and Bacon. But if the system of the noble Lord were carried out, England would suffer as deeply as the best parts of Ireland. The rates of the hon. Member for South Lancashire had been 2*s.* in the pound; now, chiefly on account of Irish pauperism, his rates were increased to 10*s.* in the pound. The Irish paupers would continue to invade and to depress England until the House adopted some different system to that of the last two years; and, at last, when the Irish revenue was considerably decreased—when the Irish market for manufactures was almost entirely gone—when England became to Ireland what Ulster at present was to Connaught—then the Government would be compelled, too late, to undertake an office, thankless because forced upon them, of dealing with the poverty of Ireland, and of endeavouring to place that country in a different position to that in which she was now placed.

MR. HORSMAN said, that he derived one comfort from this discussion, namely, that a question affecting Ireland had been raised something beyond a mere Irish debate; although he felt that in some respects the occasion had not been done justice to. If his objections to this rate in aid were less cogent than he confessed them to be, he could not let this proposal pass upon the grounds put forward by some hon. Gentlemen around him. Those hon. Gentlemen acknowledged the measure to be impolitic, unjust, and oppressive; but they stated their willingness to accept it, as they had nothing better before them. Now, he thought that Parliament had arrived at a period in Irish legislation too grave and too critical to permit of the responsibility being got rid of on such a plea as this. There were few Members who, like himself, had for the last thirteen years given a close attendance in that House on Irish subjects, who had not to reproach themselves for many hasty and inconsiderate votes; and so strongly did he feel this, that he could never again make up his mind to vote on any Irish question without investigating for himself both its principles and its details, and without acertaining, as far as he was able, its bearing upon the national interest of England and Ireland. When the question of affording relief to Irish destitution last came before the House, he had voted with the majority for voting the 50,000*l.*; and if he could not then justify the vote he had given on sound principles, at least he could on the necessities of the case. But between an exceptional vote to meet a temporary emergency, and one for a measure of permanent policy, there was a wide difference. It might be captivating to English constituencies to be told that by a peculiar vote the burden of Irish relief would be taken from off their shoulders; but he confessed that he could not share in the congratulations of such constituencies, for he believed that the present measure would only effect a postponement of the evil, which might be expected to return in an aggravated form at no distant day. Admitting, for a moment, that the advantages claimed for this proposal would be realised, he still felt bound to ask himself whether he could, at any price, consent to purchase those advantages. The English people were averse to taxation, but they were still more averse to injustice; and to this extent he would answer for the feeling of his own constituents, that if these distressed provinces were to be relieved by a compulsory levy of money not their own, they would rather take upon themselves the burden, than consent to throw the whole of it upon particular provinces in Ireland, which were no more responsible for the distress which existed in that country than were our own ratepayers. England had the power of imposing this taxation; but was it wise, or just, or even safe, that she should exercise it? He found one remarkable omission in the speech of the hon. Member for Manchester of the previous night. In his support of this rate in aid, the hon. Member had not attempted to examine the principle or the policy of the proposal; he seemed, in fact, to take it for granted, that the rate in aid was only a natural extension of the poor-law. Now, he (Mr. Horsman) regarded the proposition in a totally different light, and could see no more affinity between the two principles than could be supposed to exist between a system of national plunder and the laws of private property, or between the sacking of Manchester and the extension of its police force. The hon. and learned Member for the University of Dublin had clearly pointed out that difference—he had shown that the principles of the poor-law were those of local authority, local knowledge, and local responsibility—and that the principle of a national rate was of a totally different character. What could be said of a proposal which marked out those who had acquired a position by their past industry and frugality, as the victims of additional taxation? It was the extreme of cruelty to destroy one province in Ireland, in order that misery might be perpetuated in others. Twenty times in the course of the debate had the question been asked, and he repeated it again—what possible claim had Connaught upon Ulster, which Ulster had not upon Middlesex? The Government and their supporters attempted an answer by saying, that Ulster and Connaugh were both in Ireland—that Ireland was exempt from property tax and other taxes which fell upon England —and that this rate in aid was to be considered as an equivalent for the exemption. Now, when it was said that "Ireland was exempt," what was meant by the term "Ireland?" Was it a mere geographical expression, or did it mean a large social community of various grades and classes, variously affected by the graduations of a fiscal system? and if so, he asked whether it was not the case that the very classes in Ireland, spoken of as being exempt from taxation, were not those who also would be exempt from this rate in aid; and whether the classes by whom four-fifths of the burden would have to be borne, were not those whom a more just equalisation of our fiscal system would not touch at all? If that were the case, what became of the vaunted system of equivalents? The proposition then came to this—that because a rich class was exempt from a tax which they ought to pay, therefore, upon another and a poor class it was proposed to impose another tax as an equivalent for that with which they had nothing to do. But his objections to this rate in aid were not yet exhausted. Everybody who had considered the state of Ireland was convinced that it was on improvements in her agriculture that her prosperity must turn. But if there was one thing more than another necessary, and without which agricultural improvement would be impossible in Ireland, it was the conveyance of certainty to the mind of the agriculturist—of a feeling of certainty that he knew the worst—that the full extent of his obligation was before him, and he could make his future calculations on the basis of his own skill and capital and enterprise. But the rate in aid baffled all calculation, and told the agriculturist that his only security was in placing himself out of its reach altogether. You might tell him that the union rate was only 2*s.*, and the national rate only 6*d.*, to be limited to two years, and that that constituted the worst. But who could assure him that this limitation would be observed? The principle once admitted, no one could say that the insolvent unions would right themselves in two years; at the end of which time the same arguments now used in favour of a 2*s.* rate, might be used in favour of a 4*s.* rate. He, therefore, objected to the rate in aid, not only on principle, but as a remedy for Ireland at the present moment. Indeed the objections to it on that score were so great and weighty, that the only reason that could justify Parliament in entertaining it, was its being only part of a more comprehensive scheme. When Parliament met at the commencement of the present Session, under circumstances, be it remembered, of increasing difficulty for Ireland, the House had been given to understand that one of the first questions to which it was to apply itself, was that of the amendment of the Irish poor-law. It was supposed that in amending that Act, and in propping it up by a series of remedial measures, the Government would have taken the initiative, and that they would have guarded against the evil of haphazard and piecemeal legislation—it was supposed that the Government would not propose a mere temporary measure for the relief of Irish pauperism, but that they would have initiated some measure of a permanent character? He objected to the proposal before the House, because he could not see that the Government recognised in it either the opportunity or the duty of improving the permanent condition of Ireland. The Government, in fact, seemed to betray a lamentable ignorance on the subject; for the First Minister of the Crown, speaking of the future, said that one of two things must happen — either that there would come a good season, and a return of production and employment, or bad seasons, and emigration to England, Scotland, and other countries. These reasons put forward in support of the measure by the noble Lord, he thought neither satisfactory nor statesmanlike; for they only showed that Ireland might be expected to be in 1859 in the same position that she was in 1849. The only possible justification of this very objectionable measure would have been its forming a portion, and only a temporary portion, of a larger scheme of policy; but in that case the whole scheme of the Government ought to have been laid before the House. The right hon. Baronet the Member for Tamworth had evidently considered so; for in giving his vote in favour of the measure, he had guarded himself against placing his support on the narrow grounds laid by Her Majesty's Government. That right hon. Baronet had done justice to the greatness of the occasion: his view of the future of Ireland was more comprehensive, and the manner in which he would deal with it was more statesmanlike. Without intending at the present moment to discuss any part of the plan of the right hon. Baronet, this he (Mr. Horsman) would venture to say, that there was nothing either in the matter or spirit of that plan calculated to excite feelings of hostility. In the difficulties in which they were placed, he thought that they were under obligations to any Gentleman in that House who came forward, and, showing that he had deeply studied this Irish question, was ready with suggestions for solving those difficulties. But any suggestion coming from the right hon. Baronet should be warmly welcomed, and dispassionately examined. In the course which the right hon. Baronet had taken with respect to this measure, he had only acted that part which might have been expected from his position and his patriotism. With that right hon. Baronet, he drew hope from the very extent of the calamity; with him he believed that the very magnitude of the calamity would ensure a remedy. Without going into the question of remedial measures, he would repeat the question put to the Government the other night by the hon. Member for Northampton, and ask them whether, as the right hon. Baronet had proposed a plan, they were prepared to adopt it, or, if not, to propose theirs? If the Government were not prepared with a comprehensive measure, he should at all events like to see some symptom of their having studied the question, in order to ascertain whether they could not devise some means of extricating themselves from the difficulties which surrounded them. At present the Government had not shown that they had done all that they might have done. Many remedies which might formerly have been inapplicable, might be applicable now; and he thought it was the duty of those to whose care the destinies of this great empire were placed, dispassionately to consider every suggestion which might proceed from high authorities, having for its object the amelioration of the condition of Ireland. There were many suggestions which had been made to the Government, none of which, taken alone, would have been a panacea for the evils of Ireland, but which if connected together, were well calculated to assist in getting over the calamity. An extensive and well-regulated system of emigration, the cultivation of the waste lands, and assistance afforded to the construction of railways, had all been, at various times, suggested. Some of them would, if properly carried out, produce an amelioration of the existing evils of Ireland; and, at any rate, though rejected before, they ought, in such altered and desperate circumstances, to be considered afresh. With respect to the plan before the House, what was its principle? It was the principle of dire necessity—the tyrant's plea—"We must have money; England will not give it to us, therefore Ireland must; save us from the embarrassment of an appeal to England, never mind what becomes of Ireland." The people of England were tired of giving the means of relieving destitution only to perpetuate destitution. They saw neither humanity nor economy in relieving the sufferings of those poor people only to aggravate and perpetuate those sufferings. But even now, let Her Majesty's Government come forward with a comprehensive and statesmanlike measure, showing that relief and improvement were going on hand in hand, and that the money contributed in England was well laid out in Ireland; then, the people of England, not from motives of humanity alone, but from motives of humanity and thrift, under the guidance of a Minister who had made himself master of the subject, and who possessed the confidence of Parliament upon it, would be ready to give as cheerfully and as bountifully as heretofore. And was there ever such an opportunity? Ireland was never in such a state as she was at present—never so weak, prostrate, and helpless. She was ready to accept any legislation which they chose to impose upon her. She would make no resistance. For the first time in the history of centuries there was no political agitation, no religious rancour, no agrarian outrage in the country. In England, and in Parliament, circumstances were equally favourable, and for the first time in their memory there was no party opposition to thwart the Government in any legislation which it might propose. All parties showed themselves anxious to come forward to strengthen the hands of the Executive, and share its responsibility. If they wanted money, it had been poured forth as plentifully as if England was a mine—if they wanted coercive measures, they had been passed with almost lightning speed. And with what result? Is the state of Ireland less deplorable? Is the prospect for England more cheering? The First Commissioner of the Poor Law in Ireland had resigned. Every one of his coadjutors had declared that the proposed measure could not be carried into effect. If, in spite of these warnings, the Government proceeded with this measure, and the House sanctioned it, then he felt that in the teeth of such evidence they would incur a serious responsibility. If the results predicted upon the passing of the measure should follow—if discontent, hitherto local, should become national, and distress, which was formerly partial, should become general—then the folly and selfishness of the British Legislature would have achieved their work; and in the substitution of ruin in those districts where prosperity now existed, strife and contention where there had existed peace, dissatisfaction where there was loyalty, they would at least have consummated the full measure both of Irish misery and English crime.

Sir A. B. BROOKE congratulated the hon. Gentleman who had just sat down on having delivered one of the most manly English speeches he had heard that Session. He opposed that measure because he considered that it was unjust and impolitic, and that it was calculated to disturb the peace of Ireland. He did not doubt the continuance of the loyalty of Ulster; but although that loyalty could not be doubted, it ought not to be abused. It had been said that the people of the better-circumstanced districts of Ireland wished to repudiate their engagements. But he could state, that in the district in which he resided they had paid the whole of their rates, and a portion of the expense of erecting the union workhouse, and that they were fully prepared to meet all their liabilities. He knew that a great diversity of opinion prevailed with respect to the scheme propounded by the right hon. Baronet the Member for Tamworth; but, for his own part, he entirely approved of it, and most heartily wished to see it carried out. He knew no man in Europe so capable of carrying it into execution as the right hon. Baronet; and the Government ought at once to appoint a Commission and request the right hon. Baronet to place himself at its head. He was now at his leisure and free from official cares; and he should at once proceed to Ireland, and not return till it had been fully brought into operation. He entertained various objections to the proposed measure; and one of his principal objections was, that it taxed the poor as well as the rich classes, and compelled destitution to provide for destitution—a duty which properly belonged to property. Another strong objection was to the mode of valuation. The question of absenteeism had been but little touched on during the debate; and yet it was one of the greatest evils with which Ireland was afflicted. He would rather have a resident landlord with 5,000*l.*, than such wealthy absentees even as the Duke of Devonshire, the Marquess of Lansdowne, or Earl Fitzwilliam. The poor man would always go where there was a resident landlord, and where he knew his wants would be provided for, and his children educated. But there were also very small absentee proprietors, who cut up their estates into small holdings—men who paralysed the efforts of the well-intentioned landlord. Some measure must be resorted to to compel these men to do their duty. It was the fashion to suggest plans, and he perhaps might, therefore, be permitted to suggest one. He would recommend that a double poor-rate should be placed on absentees on whose estates the poor were not employed in proportion to the rental. The proceeds of that rate he would expend on the property out of which it was levied; and the labour to be thus employed on those estates should be superintended by the local agents under the control of the Poor Law Commission. Unless some such plan were adopted, it would be impossible for the resident landlords to go on. Another evil was the system of rackrenting and the letting of small tenements. This was not understood in England. It was well known that during the time the potatoes fed the people, for four acres you could get a rent of 10*l.*, or 2*l.* 10*s.* an acre, while for the same land a solvent tenant could not afford to pay more than 25*s.* In Mayo, at this moment, there were 40,000 holdings under four acres. How could such a district prosper? Another great evil was the want of education. Look at the check given in Connaught to education by the Roman Catholic priesthood. Look at the conduct of Dr. M'Hale, who had done everything to check education and civilisation. In Ulster there were 1,528 schools, and in Connaught only 439. In Connaught there was a majority of 642,159 uneducated; while in Ulster the majority of the educated was 289,789. There was one suggestion which he should like to make. Reference had been made to the loans for the building of workhouses. Now, if, instead of this grant of 100,000*l.*, or the rate in aid, they were to call on Ireland to pay one or two instalments of these loans, she could not well refuse compliance, and the money would be raised by far more legitimate means. The hon. Member for Kerry had put a Motion on the Paper for the purpose of extending the income tax to Ireland; but he had done so without the full knowledge or approbation of the majority of the Irish Members, and certainly without his (Sir A. B. Brooke's) approbation and concurrence. Not that he objected to an income tax, fairly and equitably imposed, after a full inquiry, before a Committee, into the present liabilities of Irish property, and its means of meeting them. Whatever might be the law in this empire—whether it were a rate in aid or an income tax—of course, he would be ready to submit to it, if once passed; but if he disapproved of a legislative proposition before it became law, he would state his objections to it in his place in Parliament.

Mr. REYNOLDS regretted that the hon. Baronet who had just resumed his seat, had thought proper to draw a contrast between the civilisation of Ulster and Connaught. He was sorry also to hear him say of a very eminent Roman Catholic archbishop, that he was an enemy of education. He denied, entirely, however, the accuracy of the hon. Baronet's figures with reference to the schools in Ulster and Connaught. If there were 1,500 national schools in Ulster— [Sir A. Brooke: Not national schools.] He had misapprehended, then, the hon. Baronet, and he was glad of it, as it was said that the clergy of Ulster were opposed to the system of national schools. It was true—and he regretted it —that Dr. M'Hale was opposed to the system also, but he had provided a substitute. Taking it for granted, however, that Ulster was perfectly loyal, perfectly moral, and perfectly civilised, he was not disposed to place all that to the credit of Protestantism. He found, according to returns made in 1831, that the Catholics of Ulster were a majority of the population of the province — [Sir A. Brooke: I never said Protestants. I did not exclude my Catholic fellow-countrymen.] He did not impute that statement to the hon. Baronet, but it had been made on his side of the House. He believed that the hon. Baronet presented a most honourable contrast to some of the Irish landlords. It had been said, that this rate in aid was impolitic, unjust, and inadequate. It was declared to be unjust to tax Ulster for Connaught. Now, he had the misfortune to differ from the majority of the Irish Members on this subject. He was prepared to vote for the second reading of this Bill, but most reluctantly. If he could by possibility avoid that vote, he would. [*Cheers.*] He understood the meaning of that cheer, and he would explain himself by and by. At the opposite side of the House those who opposed the rate in aid did not deny its necessity. It had been said, that there was no argument in favour of the rate but its necessity. [*Cries of* "No, no!"] He would thank hon. Gentlemen to permit him to speak for himself. Well; but if the necessity were admitted, that was twelve arguments out of thirteen. Hon. Gentlemen opposite said, however, "Do not put on a sixpenny rate, but in the name of common sense and justice put on Ireland the English income tax." His hon. and gallant Friend the Member for Longford divided the House on that very question. ["No, no!"] That "no" was no answer. The Motion of the hon. and gallant Gentleman was this—that all descriptions of property in Ireland should be taxed. There was no exception whatever. Well, he (Mr. Reynolds) moved an Amendment after the Motion of his hon. and gallant Friend had been lost, proposing that all salaries to the amount of 150*l.* and upwards, all money in the public funds, all money remitted in the shape of absentees' rents, and the interest on mortgagees, which amounted to 8,000,000*l.* per annum, and was chargeable in this country to income tax, should form a fund for the relief of the destitute poor in Ireland. His hon. and gallant Friend had 165 Members to vote with him, and when his Amendment was lost, he (Mr. Reynolds) tested the House with his own, though he was taunted by the hon. Member for Warwickshire (Mr. Spooner) with want of sincerity, and told that he would not divide. He did, however, divide the House; and what was the result? A hundred and ten of those Gentlemen absconded in five minutes—those Gentlemen who had voted for an income tax in all its integrity. They evaporated, and the minority became

"Small by degrees, and beautifully less."

He had only 51 supporters, while his hon. and gallant Friend the Member for Longford had 165 votes on his division. Now, he would leave it to the House to say who was sincere, and who was insincere. The proposition of his hon. and gallant Friend was the same as that of the hon. Member for Kerry, who proposed even the grinding security of Schedule D. He was not surprised that such a proposition should come from the opposite side of the House, because it was a landlord's proposition. The object of it was to shift the burden from the shoulders of the landlord to those of the hardworking tradesman and professional man. He was very fond of reading the history of his country, and in the course of pleasing his taste in this way he had happened to light on a perfect gem, which purported to be an account of the Session of Parliament held in Ireland in 1692. The return exhibited an almost perfect analogy to that state of things which existed at the present time. He should not read more than a few lines, and he begged to call the attention of the Gentlemen of the province of Ulster to it. It appeared from that document, that the land was lying waste and untenanted then, that the funds were exhausted, and that there was a great pressure on England. Would hon. Gentlemen find any analogy between that case and the present? Why they appeared to be now in exactly the same position. He begged to call the attention of hon. Gentlemen to the following passage:—

> " By an Order of the Day the House was resolved into a Committee, to consider the state of the nation, and it being proposed that the best way of settling this kingdom in lasting happiness was to find out the cause of its misery, the Committee voted that the two following causes should be assigned for it—first, the great countenance given to the Irish Papists in the reign of King Charles II., and their being employed by the late King James; secondly, the obstruction of the course of justice by the illegal protections granted since the defeat at the Boyne."

That appeared to be the history of the misery of 1692, which presented a close parallel to the state of the country in 1849. Reference was made to the speech of the right hon. Baronet the Member for Tamworth, which had been circulated upon the wings of the press to all parts probably of the civilised world. It had been read very attentively in Ireland, and to his own knowledge it had made a very strong and favourable impression in that country. The people of that country believed that, although the right hon. Baronet had not yet put before the country the details of his plan, at all events the framework was good. The right hon. Gentleman seemed to have directed his attention to the cardinal point, namely, making the land of Ireland available for the support of the people of Ireland. He believed, after all, that the misery of the country must be traced to the non-employment of the people upon the land. It was not reasonable to think that a country containing 20,000,000 of statute acres, with a population of 8,000,000, should be in a state of starvation, if Government directed its attention, as it ought to have done, to the cultivation of the soil. He was not blaming either a Whig Government or a Tory Government in particular, for he believed both were to blame—he believed both had neglected their duty as regarded the land of Ireland. He would not be guilty of such injustice on the one hand, or such absurdity on the other, as to blame this or that Government for the unparalleled misery that existed—it was the growth of ages; centuries ago their ancestors had laid the foundation, and to do them justice they had put pile upon pile on the building until it became so heavy that it was dangerous to stand near it. The hon. Gentleman the Member for Buckinghamshire, whom he did not then see in his place, commenced his speech on the preceding night with a loud flourish of trumpets—he found fault with all that had been said before him, and promised them great things at the beginning of his address. He said this—" I hope to be able to give this discussion something like a substantial and practical direction." He (Mr. Reynolds) watched the hon. Gentleman most attentively, and he must declare, without saying anything ill-natured—for he respected his talents, as almost all of them did—that there was nothing in his speech except the usual song of his complaint. He (Mr. Reynolds) was reminded of an observation the hon. Gentleman made on a former occasion, when he said, in reply to a remark of his, " The hon. Gentleman the Member for the city of Dublin has taunted me because I have not originated measures; let me remind the hon. Gentleman (said he) that we are the Opposition—that it is our duty to oppose and not to originate." Well, if ever an hon. Member had kept his word with desperate fidelity, the hon. Gentleman the Member for Buckinghamshire had done so. The hon. Gentleman was fond of dissecting the right hon. Baronet the Member for Tamworth, but last night the attempt appeared to be a total failure. He said the right hon. Baronet's plan was inadequate, unjust, and incompetent; and he used a whole lot of other phrases that he (Mr. Reynolds) could not charge his memory with: but after going through the whole plan, he showed this, at all events—that he is perfectly innocent of all knowledge of Ireland, and of Irish affairs. In the first place, he cast the lot of the commissioners in a part of Ireland where they were most unlikely to take up their residence, namely, in Limerick. The most fertile spot in Ireland was in the immediate vicinity of Limerick, and the land let at double the prices got elsewhere. It occurred to him, therefore, that the hon. Gentleman did not know much of the geography of Ireland. He next said, it would be dangerous to establish a plantation in Connaught, in consequence of the sectarian feeling that prevailed there, thus proving that he was grossly ignorant of the state of feeling in Ireland. He (Mr. Reynolds) thanked God that, although there were many drawbacks upon them, that drawback did not exist. He did not know whether it was to be attributed to the growth of common sense amongst them, or to the increase of human misery; but such was the case. Perhaps they had something else to think of besides sectarian feeling. Ninety-nine out of every hundred in Connaught were Catholics; the great majority of the people of Munster were Catholics; but when did they hear that any person had been attacked on account of his religion? It was not fair to the right hon. Baronet the Member for Tamworth, or towards any Member of the House who would take the trouble of applying a remedy to their evils, to say it would not be safe for a Protestant to settle in Ireland. Why, Protestants would be as safe there as in the city of London. He was sorry the hon. Gentleman had made such an allusion, and he wished to explain away any mischief that might be done by the observation. The hon. Gentleman then went on to talk about settling arrangements which did not seem to have entered into the plan of the right hon. Baronet at all. He (Mr. Reynolds) would vote for the second reading of this Bill with great reluctance; but he voted for it as a matter of invincible necessity. At this moment the people were dying of want on the high roads, and their bodies remained unburied in consequence of the helplessness of their neighbours. The proposal was, that 6*d*. in the pound should be levied for two years, making in round numbers 600,000*l*.; and they were told that the wealthy and prosperous province of Ulster would be ruined if they put that 6*d*. upon them. But he would remind hon. Gentlemen that Ulster was not all Ireland, and that the province of Leinster or the province of Munster would bear more than a comparison with it in point of prosperity; therefore, neither the property nor loyalty of Ireland was exclusively Ulster. The loyalty of all Ireland had been tried, and had not been found wanting. When they made an appeal to the people of Ulster to pay this 6*d*. in the pound in the name of divine law, and though the appeal was sanctioned not only by human but by divine law, they said they would not give a penny, because Connaught was divided by a line from Ulster. Now that was what he called geographical charity. He could show that there was a precedent for this rate in aid in Ireland. He found that by the 2 and 3 Vic., c. 61, the House passed an Act providing that 584,887*l*. should be levied off twelve counties in Ireland for the improvement of the navigation of the Shannon. The hon. Member for Roscommon, whom he did not see in his place, was one of the chief promoters of that Bill. [Mr. F. French (from the gallery): No, no!] That was a large sum, and was in the nature of a rate in aid. Amongst other counties it was levied in Mayo, no part of which was within twenty miles of the Shannon. The distressed district of Erris was, at least, 100 statute miles from the Shannon; and the island of Achil, situate in the Atlantic, had for the last eight years been assessed for the improvement of the navigation of the Shannon. The hon. Member for Roscommon had promoted that Bill, which was called a job, with a most desperate fidelity. [Mr. F. French: No, no!] He was informed that the hon. Member did not support it, and that a portion was taken out of the Consolidated Fund. He (Mr. Reynolds) was informed that he was wrong in his figures; but he took the figures from the Act 2 and 3 Vic., cap. 61. The sum authorised to be levied was 584,887*l*., and by the 13th section he was informed they had a pull at the Consolidated Fund. It appeared they divided it between the Consolidated Fund and the counties, taking 300,000*l*. from each. He would remind his hon. Friend the Member for Roscommon, that the shores of his county were washed for a distance, at least of sixty miles, by that glorious river. The value of the land was enormously increased by the improvement of the navigation; and he compelled the county of Mayo, that could not derive any practical benefits, directly or indirectly, from the improvements, to pay a portion of the expense. If that was not a rate in aid, he did not know what was. He had a strong dislike to the imposition of any new taxes; but he would vote for this rate, because he was determined, whatever might be the risk, to save as many of the people from starving as possible. He would vote for it, too, with a perfectly clear conscience; because although the city which he had the honour to represent had a rateable property of one million, and would, therefore, have to contribute 25,000*l.* to this rate in aid, and never derive one penny of benefit from it, yet his constituents had not held one public meeting to protest against the measure during the whole of the three weeks for which it had been before the country: they were prepared to bear willingly, for the sake of others, their part of this burden. He would vote for the Bill upon principle; because he approved of a general rate, not only upon all the rateable property of Ireland, but of the entire United Kingdom, for the support of the aged, sick, and infant pauper population. With regard to the ablebodied poor, the relief might judiciously continue to be raised from the locality; but the infirm or the infant pauper ought to be supported from a general rate.

Major BLACKALL said, he had been alluded to by the hon. Member for Dublin as having prepared an Amendment to substitute an income tax upon all species of property in Ireland for the proposed rate in aid. The noble Lord at the head of the Government had said, that if the Irish Members would prefer an income tax, they should by all means have one, only they must remember that if one were once imposed, they must make up their minds to put up with its continuing much longer than they perhaps now expected. Now, that was not a fair way of putting the case, because his Amendment proposed to limit the income tax to only two years. But if the noble Lord thought the Irish Members could be deluded into the belief that his rate in aid would be totally removed at the end of the two years, he was certainly very much mistaken, for the Irish Members well knew that it would be easier for them, united with the English Members of that House, to rid themselves of the income tax after the lapse of two years, than it would be for them to throw off this rate in aid at the end of the same period. If it were put to him, whether he would have this rate in aid, to be levied from land alone, or an income tax, he did not hesitate to say that for his part he would choose the income tax. His Amendment proposed, that the funds to be raised should not be applied to the ordinary purposes of the poor-law, but should be spent in placing the distressed districts in a condition to be henceforth able to support themselves. The Government proposition laid down no distinct or fixed plan—it gave no detail of the amount that was wanted, or the manner in which it was to be expended; and there was nothing to lead the House to hope, that at the end of the next twelve months the distressed districts would be in any better condition than they were at present. For these reasons he must vote against the rate in aid; but at the same time he was ready to co-operate in any just plan for making Ireland pay her fair share for the support of her own paupers; and he had no desire whatever to throw upon England, which had come forward so nobly and so generously to Ireland's assistance, any unfair or unreasonable burdens. He believed that Ireland ought now to make a strenuous effort in her own behalf.

Mr. FRENCH wished to explain, after what had fallen from the hon. Member for the city of Dublin, that the project for the improvements in the river Shannon was brought forward by the Government, and had been declared by a Committee of the House to be a national object, that ought to be accomplished from national resources.

Mr. TENNENT observed, that the hon. Gentlemen who had stated their intention to vote for the second reading of the Bill, had given it a very damaging support. The hon. Gentleman the Member for the city of Dublin had even declared that he would gladly escape from voting if he could. In giving a decided and conscientious opposition to the proposal under discussion, he begged to state, that he would do so altogether apart from any feeling that Ulster ought not to contribute to the relief of the other portions of Ireland, or from the feeling that sectarian differences ought to divide the provinces. He had no such feeling —and he deprecated any language which tended to draw an invidious contrast between the loyalty of certain districts. The present was not a question of party or religion, but one which concerned the constitutional rights of the industrial classes at large. He believed there existed in Ireland a far deeper feeling of hostility to this Bill than had been produced by any contemplated legislation for many years. Although the noble Lord had spoken with disdain of the disproportionate resistance which had been made to the measure, he begged to remind him that history afforded instances in which smaller agitations had overcome more determined opposition. So far as he could understand the justification for the Bill, he considered it was introduced avowedly to protect the Imperial Exchequer, by the levying of an impost by the stronger upon the weaker country. It was also justified upon the ground that England had made noble exertions to relieve the distresses of Ireland, and that the time had arrived when Ireland ought to make some exertion for herself. If he were pressed for an alternative in lieu of the rate in aid, he would state, that it was not the business of those who opposed the measure to suggest a substitute. If, however, it might be permitted to him to find a remedy, he would submit that it would be far better to remedy the evil, than to endeavour to balance one wrong by the commission of another. He implored the Government, whose good intentions he appreciated, and whose difficulties he admitted, to abandon their intention to press on so obnoxious a measure. He would prefer an income tax, or, indeed, any general system of taxation, in preference to a rate of this nature.

Mr. DRUMMOND would only occupy the attention of the House whilst he offered for their consideration two or three practical suggestions. He saw by the Votes that this measure was to provide for a rate in aid. A rate in aid, of what? in aid of Irish pauperism. Was it meant that it was to add to Irish pauperism, or diminish the number of paupers in Ireland? He naturally referred to Her Majesty's Government for an explanation of what this rate in aid meant. In one of the blue books to which he referred for information, he found it stated with respect to the condition of the small occupiers of land, that unless some change to stimulate and foster their hopes was made, a number of the small ratepayers, which it was fearful to contemplate, would become paupers, and add to the already overwhelming difficulties under which Ireland was suffering. Here there was no attempt to deny that the small ratepayers, if they were not immediately relieved, would add to the number of paupers. Now, as he before stated, there were three points which he wished to suggest, and which, if they were acted upon, would, in his opinion, tend to relieve Ireland from the difficulty in which she was placed, and also save this country a great deal of trouble, anxiety, and expense. In the first place, he would make the unions support themselves. There was no difficulty whatever in the matter. Let them send a plain practical English farmer to each union, who would set the people to dig, and in one month he would have something to keep a cow. It was merely a question of growing produce to keep the people alive. His next point was with respect to emigration. It was admitted that in Ireland there was an overflowing population, and that thousands of them were starving, in consequence of being without employment. Now, there were millions of unenclosed acres in Connaught, and in other parts of the country, in the cultivation of which these people could be profitably employed; and we had got colonies who were asking for labourers to cultivate their produce. Measures to provide for emigration to our colonies ought to be taken, as well as measures to give employment on the waste lands, for he believed that the people of Connaught would never work so long as they were supplied with money to live in idleness. His last suggestion was, that means should be taken to get rid of the class called middlemen, and to bring the owners of the land into immediate contact with the occupying tenants. He would pass a law to compel the middlemen who had long leases to give them up, for their interference had, he believed, a most baneful operation upon the interests of the owners and occupiers of the land. He told the Government that this measure would not go down, no matter what was the result of the division that night. The old Tory times were gone by when a Government could propose and carry what measures they pleased. They must now consult the House of Commons as to what measures should be passed, and it was no discredit for them to have to do so. They had much better shape their measures to meet the general wishes and feelings of the people, than attempt to force that down which it was impossible ever could be popular, or ever succeed.

Captain ARCHDALL was disposed to give full credit to the very high character of the noble Lord at the head of the Government; but he was surprised that he should persist in this plan, after the evidence which had been taken before the Committee of that House, and after the decisive resolution of the other House—after the warning given to him by the Members of Ireland on both sides—and, above all, after the unexceptionable expression of feeling against it, not only from

Ulster, but from all parts of Ireland. The noble Lord must be a dare-devil to suppose that he could succeed with such a measure. At the close of his speech last night the noble Lord said that he would not pledge himself to the details of this measure, but he wished to affirm the principle that Ireland should supply a portion of the money required; but he endeavoured to carry this much further. The hon. Member for Manchester had spoken of the Protestant ascendancy of Ulster, as being the curse of Ireland: would to God the whole of Ireland were equally degraded, for if it were, there would be no necessity for appealing for alms to that House! He knew that comparisons were odious; but he could not help contrasting the condition of the province of Ulster with that of other parts of Ireland where Protestant ascendancy did not exist. For the maintenance of the Union, you must rely upon the province of Ulster; and he would also say upon the attachment of the body of which he had the honour of being a member. He would state they had adhered to their loyalty, and, to quote the language of the hon. Member for Buckinghamshire, he would tell the noble Lord that they must trust to the loyalty of the Protestant population of Ulster. Use it, but do not abuse it.

Question put.

The House divided:—Ayes 193; Noes 138: Majority 55.

List of the AYES.

Abdy, T. N.
Acland, Sir T. D.
Adair, R. A. S.
Aglionby, H. A.
Anderson, A.
Anson, hon. Col.
Anson, Viscount
Armstrong, Sir A.
Armstrong, R. B.
Ashley, Lord
Bagshaw, J.
Baines, M. T.
Baring, rt. hn. Sir F. T.
Baring, T.
Bass, M. T.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bramston, T. W.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Browne, R. D.
Bruce, Lord E.
Bunbury, E. H.
Busfeild, W.
Buxton, Sir E. N.
Cardwell, E.
Carter, J. B.
Cavendish, hon. G. H.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Cobden, R.
Collins, W.
Copeland, Ald.
Cowper, hon. W. F.
Craig, W. G.
Denison, W. J.
Duncan, G.
Dundas, Adm.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Emlyn, Visct.
Enfield, Visct.
Evans, Sir De L.
Evans, W.
Ewart, W.
Fagan, W.
Fergus, J.
Ferguson, Col.
Fordyce, A. D.
Forster, M.
Fortescue, hon. J. W.
Fox, W. J.
Glyn, G. C.
Goddard, A. L.
Graham, rt. hon. Sir J.
Greene, T.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Guest, Sir J.
Hallyburton, Ld. J. F. G.
Harcourt, G. G.
Hardcastle, J. A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Henry, A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hogg, Sir J. W.
Hope, H. T.
Howard, Lord E.
Howard, hon. C. W. G.
Hume, J.
Jervis, Sir J.
Johnstone, Sir J.
Keppel, hon. G. T.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Locke, J.
Lygon, hon. Gen.
Mackinnon, W. A.
M'Cullagh, W. T.
M'Gregor, J.
Mahon, The O'Gorman
Mangles, R. D.
Marshall, J. G.
Matheson, A.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Mitchell, T. A.
Moffatt, G.
Moore, G. H.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mure, Col.
Norreys, Lord
Norreys, Sir D. J.
O'Connor, F.
Ogle, S. C. H.
Ossulston, Lord
Owen, Sir J.
Paget, Lord A.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, F.
Peto, S. M.
Pigott, F.
Plowden, W. H. C.
Price, Sir R.
Pryse, P.
Pusey, P.
Reid, Col.
Reynolds, J.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Sir J.
Rumbold, C. E.
Rushout, Capt.
Russell, Lord J.
Russell, F. C. H.
Sandars, G.
Scholefield, W.
Seymer, H. K.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smith, J. B.
Smollett, A.
Somers, J. P.
Somerville, rt. hon. Sir W.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Turner, G. J.
Villiers, hon. C.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Ward, H. G.
Watkins, Col. L.
Wellesley, Lord C.
Westhead, J. P.
Willcox, B. M.
Williams, J.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyld, J.
Wyvill, M.

TELLERS.

Hill, Lord M.
Grey, R. W.

List of the NOES.

Adair, H. E.
Adderley, C. B.
Alexander, N.
Archdall, Capt. M.

Arkwright, G.
Bagge, W.
Baldock, E. H.
Baldwin, C. B.
Barron, Sir H. W.
Bateson, T.
Beresford, W.
Blackall, S. W.
Blackstone, W. S.
Blake, M. J.
Boldero, H. G.
Bourke, R. S.
Bowles, Adm.
Boyd, J.
Broadley, H.
Brooke, Sir A. B.
Bruen, Col.
Buller, Sir J. Y.
Burroughes, H. N.
Callaghan, D.
Castlereagh, Visct.
Caulfield, J. M.
Chandos, Marq. of
Chichester, Lord J. L.
Christy, S.
Clements, hon. C. S.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Cole, hon. H. A.
Colebrooke, Sir T. E.
Conolly, T.
Cotton, hon. W. H. S.
Crawford, W. S.
Damer, hon. Col.
Dawson, hon. T. V.
Dick, Q.
Drummond, H.
Dunne, F. P.
Egerton, Sir P.
Estcourt, J. B. B.
Fellowes, E.
Ferguson, Sir R. A.
Fitzpatrick, rt. hon. J. W.
Fitzwilliam, hon. G. W.
Forbes, W.
Fortescue, C.
Fox, R. M.
Fox, S. W. L.
French, F.
Fuller, A. E.
Gaskell, J. M.
Gore, W. R. O.
Goulburn, rt. hon. H.
Grace, O. D. J.
Granby, Marq. of
Greene, J.
Grogan, E.
Haggitt, F. R.
Halford, Sir H.
Hall, Col.
Hamilton, J. H.
Hamilton, Lord C.
Harris, hon. Capt.
Hayes, Sir E.
Herbert, H. A.
Herries, rt. hon. J. C.
Hervey, Lord A.
Horsman, E.
Howard, Sir R.
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keogh, W.
Ker, R.
Knightley, Sir C.
Knox, Col.
Lawless, hon. C.
Lennard, T. B.
Lincoln, Earl of
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, H.
Macnaghten, Sir E.
Meagher, T.
Mahon, Visct.
Manners, Lord G.
Maxwell, hon. J. P.
Meux, Sir H.
Milton, Visct.
Monsell, W.
Morgan, H. K. G.
Mundy, W.
Napier, J.
Newdegate, C. N.
Nugent, Sir P.
O'Brien, Sir L.
O'Flaherty, A.
Osborne, R.
Pigot, Sir R.
Repton, G. W. J.
Richards, R.
Rufford, F.
Sadleir, J.
Sandars, G.
Scott, hon. F.
Scrope, G. P.
Scully, F.
Sidney, Ald.
Simeon, J.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanley, hon. E. H.
Stephenson, R.
Stuart, J.
Sullivan, M.
Sutton, J. H. M.
Taylor, T. E.
Tenison, E. K.
Tennent, R. J.
Thesiger, Sir F.
Trevor, hon. G. R.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Williams, T. P.
Willoughby, Sir H.
Wortley, rt. hon. J. S.
Young, Sir J.

TELLERS.

Hamilton, G. A.
Corry, H. T. L.

Bill read a second time, and committed for Thursday 19th April.

EMPLOYMENT OF LABOUR (IRELAND).

Mr. POULETT SCROPE moved for leave to bring in a Bill to promote the employment of labour in Ireland.

Motion made, and Question put—

> "That leave be given to bring in a Bill to promote the employment of Labour in Ireland, by a proportionate exemption from Poor Rate."

Mr. STAFFORD opposed the Motion. A Bill upon a subject so important, ought to be introduced with the authority of the Government; and he wished to know whether the people of Ireland were to understand by the Government sanctioning the introduction of this Bill, they admitted the principle of a labour-rate?

Lord J. RUSSELL had not attached great interest to the bringing in of this Bill; but as the hon. Gentleman had raised the question, and thought it necessary to oppose the measure in the first instance, he (Lord J. Russell), would state that he was quite opposed to the principle of the Bill; and if the House came to a division upon it he must vote in opposition to it.

Mr. POULETT SCROPE said, the principle of the Bill had been discussed on both sides of the House before he uttered one word respecting it. He did not know where the hon. Member for Northamptonshire obtained his information respecting the Bill, for he certainly had not obtained it from him. He had merely asked the House to extend to him the same indulgence which it scarcely ever refused to any Member—namely, to have his Bill read a first time without discussion, so that the object of the Bill might be known. He wished it, however to be remembered that he was prevented by the hon. Member for Northamptonshire from laying before the House a distinct proposal for meeting one of the most difficult questions in the social state of Ireland. He was prevented from doing this, by an hon. Member who was remarkable for the urgent and pertinacious manner in which he was ever recommending his own particular panaceas for the cure of Ireland.

Mr. MANGLES sincerely trusted the hon. Member for Stroud would not withdraw his Bill. He, for one, desired most earnestly to see his proposition; and he must add that it was a rather ungracious proceeding upon the part of the hon. Member for Northamptonshire to refuse to the hon. Member for Stroud the usual courtesy extended to all Members.

Colonel DUNNE, although he differed very widely from the hon. Member for

Stroud, felt, along with several other Gentlemen around him, great anxiety to see his proposition. The hon. Gentleman, although he took many erroneous views, was actuated by the purest motives. He trusted that he would not withdraw the Bill.

Sir R. PEEL observed, that there were some Bills so objectionable in principle, or so unworthy of consideration, that it was right to refuse leave to bring them in. But in the present state of Ireland, considering the demand there was that some remedy should be applied to that condition, and considering the great attention which the hon. Member for Stroud had paid to subjects connected with the interests of the poor and destitute in Ireland, and the obloquy to which he had exposed himself on that account, he thought that hon. Gentleman ought to have the opportunity of bringing in his measure. It might perhaps be better if the hon. Gentleman would withdraw his Motion for that night, and appoint it again for a time when he would have the opportunity of explaining the principle of his measure. That hon. Gentleman had, however, brought it forward at so late an hour, because he would not offer any obstruction to another Motion of great interest to Ireland; and if he thought it right to press his Motion to-night, he (Sir R. Peel) would most cordially support him.

Mr. FRENCH said, that he perfectly agreed with the right hon. Baronet thinking it extremely desirable that they should have an opportunity of seeing the measure proposed to be introduced.

Mr. GROGAN was anxious to have an opportunity of judging of the scheme of the hon. Member; he therefore trusted that he would adopt the suggestions of the right hon. Baronet the Member for Tamworth.

Major BLACKALL could not understand how any Irish Gentleman could refuse leave to bring in the Bill. The Bill, as he understood it, was of a temporary nature, adapted to meet a temporary exigency, and it would be an extremely hard case not to permit the Bill to be introduced. He trusted the hon. Member would not withdraw the Bill.

Sir G. GREY said, they knew nothing of the nature of the Bill. He trusted, therefore that the hon. Gentleman would adopt the suggestion of the right hon. Baronet the Member for Tamworth. If it came to a division, he would be forced to oppose the Bill.

Mr. H. A. HERBERT said, it was well known what the hon. Gentleman's opinions were. The introduction of the Bill would be mischievous, as it would excite hopes which would not be gratified.

Mr. B. OSBORNE considered it much better to excite hopes than despair. Differing as he did from the hon. Gentleman the Member for Stroud in many things, he nevertheless thanked him very much for bringing forward anything which would excite or raise a hope in Ireland. It would have a very bad appearance that hon. Gentlemen, who monopolised all the loyalty of the House, should refuse to give leave for the introduction of a Bill. The motives of the hon. Member for Stroud were pure and good, and however he might be mistaken in his views, he had devoted very great energy and considerable talent to a consideration of the Irish question. As to the argument of the Secretary of State for the Home Department, all he could say was that they knew nothing of the majority of the Bills which were introduced into that House. In the absence of any other plan, he looked upon the proposition of the hon. Gentleman with satisfaction.

Mr. SCROPE said, he was quite willing to yield to the wishes of the House—[*Loud cries of* "Divide!"] As the wish of the House seemed to be that he should proceed, he could not consent to a postponement.

The House divided:—Ayes 108; Noes 15: Majority 93.

List of the Noes.

Adderley, C. B.
Baldock, E. H.
Bourke, R. S.
Buller, Sir J. Y.
Christy, S.
Conolly, T.
Forbes, W.
Granby, Marq. of
Grogan, E.
Magan, W. H.
Somerset, Capt.
Stanley, hon. E. H.
Taylor, T. E.
Verner, Sir W.
Young, Sir J.

TELLERS.

Stafford, A.
Herbert, H.

Bill ordered to be brought in by Mr. Powlett Scrope, Mr. Sharman Crawford, and Mr. Fagan.

SUNDAY TRAVELLING ON RAILWAYS.

Mr. LOCKE moved for leave to bring in a Bill to secure to the public on Sundays a limited and reasonable use of all railways which convey passengers on the other days of the week. There was nothing in this Bill inimical to the feelings of those who were opposed to the desecration of the Sabbath; but all he asked the House was not to let the recess pass over without giving him an opportunity to remove the misapprehensions which prevailed among some portions of the public, more especially in Scotland, with regard to this Bill, reserving all discussion on the principle of the Bill until the second reading.

Motion made, and Question put—

"That leave be given to bring in a Bill to regulate Railway Travelling on Sundays."

MR. FORBES opposed the introduction of the Bill, and thought that the petitioners against it laboured under no misconception whatever. The object of the measure was to force railway directors, against their conscientious convictions, to carry passengers, and to oblige workmen to labour on the Lord's day who entertained a religious feeling against it. He asked the Government if they would give their sanction to such an interference with the religious liberties of a people? He would move that the Bill be read a second time that day six months.

MR. COWAN was very unwilling to act in any way uncourteous to the hon. Member who brought in the Bill; but he felt that he ought not to have introduced the measure, which was contrary to the recommendation of the Sabbath Observance Committee of 1832. He hoped his hon. Friend, taking into account the state of public feeling in Scotland, would not press it. He would not now oppose the customary allowance of bringing in the Bill, but would oppose it in all its subsequent stages.

MR. LABOUCHERE said, at an earlier period of the Session the hon. Gentleman who brought in this Bill asked him whether the Government intended to introduce a measure in order to compel railway companies in Scotland to carry passengers on the Sabbath under certain limitations and restrictions. The reply he made to the hon. Gentleman, was that, speaking from his own personal convictions, he thought it was quite consistent with the sanctity of the Sabbath to allow, under particular regulations, trains to run on a Sunday. But, seeing the opinion that prevailed in Scotland, he was not prepared to bring in a Bill to compel railway companies to adopt a course in opposition to the opinions and the strongly entertained feelings of a large class of the community of that country. In consistency with the opinion he then expressed, he must now say that he did entertain great doubts whether it was expedient or right for that House to sanction any measure which compelled the Scotch railways to take such a course. He thought the object of the hon. Gentleman would be best achieved by leaving the matter to the discretion and good sense of the companies themselves, and that that would be a much more prudent course than forcing a measure of this sort on an unwilling public. He would not oppose the introduction of the Bill, but could not pledge himself to vote for the second reading.

MR. DUNCAN bore testimony to the strong feeling which prevailed in Scotland against the Bill, but thought that if its provisions were known, there might be less objection to it.

MR. STAFFORD said, that he thought a very dangerous precedent was about to be established, viz., that any hon. Member might get leave to bring in a Bill, provided he concealed the nature and objects of it. The noble Lord at the head of the Government having said to-night that he would vote against the Bill brought in by the hon. Member for Stroud, in a few minutes afterwards, by a singular tergiversation, changed his mind and voted for it. The right hon. Gentleman who had just sat down entirely protested against the principle of the Bill, and, therefore, voted for its being read a first time. The hon. Member for Dundee voted for the introduction of the Bill, in order to gratify his curiosity by seeing it. Hon. Gentlemen opposite, who always advocated economy, although they disapproved of the principle of a Bill, were yet quite willing to go to the expense of printing it. The occupants of the benches opposite were continually declaiming in favour of two principles—perfect freedom of trade, and perfect freedom of religious opinions—and yet they were now about to coerce and restrict both.

MR. MANGLES thought the hon. Gentleman who had just sat down, had not quite recovered from the mortification he must have experienced at the late division. The inconvenience which this Bill was intended to remedy, was illustrated not very long ago in the case of a noble lady, who was prevented from attending the deathbed of her parent by those absurd regulations. Turnpike roads were now altogether disused. Railway companies had a perfect monopoly, and surely something ought to be conceded to public convenience.

MR. S. WORTLEY would oppose the introduction of the Bill, and should certainly vote against the second reading, because he considered it a direct infringement of the rights of private property.

Sir G. GREY must protest against the last observation of the hon. and learned Gentleman, lest it might be supposed that that House had abdicated any of its undoubted authority to control railway companies, upon the regulations of which the convenience of the public so much depended. It was not a question now as to the running of trains on Sundays in Scotland. All the companies in Scotland were compellable to run the mail trains on Sundays; but, undoubtedly, there was a strong feeling among the Scotch people against the carriage of passengers, and he was not prepared to legislate against that feeling. He would however support the introduction of the Bill, although, according to his present convictions, he should feel bound to oppose it in its subsequent stages.

Mr. E. ELLICE was opposed to the Bill, not because he disliked Sunday travelling, but because he thought the inconvenience would be gradually rectified. He might mention, for instance, that the railway company on whose line the noble lady had been refused, whose case had been alluded to, had since rescinded the resolution against Sunday travelling.

Sir F. BUXTON objected to the Bill on the ground that it was an interference with the sincere and conscientious religious feeling of a considerable portion of the Scotch people.

Mr. DRUMMOND said, that one train was at present allowed to travel on Sundays for the conveyance of the mails; it seemed as if the point of conscience with Scotchmen lay between one carriage and two.

The House divided:—Ayes 58; Noes 20: Majority 38.

List of the Ayes.

Anderson, A.
Armstrong, R. B.
Baring, rt. hn. Sir F. T.
Bass, M. T.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, C. L. G.
Blackall, S. W.
Blake, M. J.
Brotherton, J.
Buller, Sir J. Y.
Bunbury, E. H.
Childers, J. W.
Cobbold, J. C.
Drummond, H.
Dunne, F. P.
Ebrington, Visct.
Ellis, J.
Elliot, hon. J. E.
Fortescue, hon. J. W.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grey, R. W.
Hawes, B.
Heywood, J.
Heyworth, L.
Hill, Lord M.
Hobhouse, T. B.
Horsman, E.
Howard, Lord E.
Howard, hon. C. W. G.
Hume, J.
Jervis, Sir J.
Labouchere, rt. hon. H.
Mahon, The O'Gorman
Mangles, R. D.
Melgund, Visct.
Moffatt, G.
Nugent, Sir P.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Peto, S. M.
Pigott, F.
Rich, H.
Romilly, Sir J.
Russell, F. C. H.
Sandars, J.
Scrope, G. P.
Somerville, rt. hn. Sir W.
Stuart, Lord D.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Townshend, Capt.
Westhead, J. P.
Willoughby, Sir H.
Wilson, J.

TELLERS.
Locke, J.
Aglionby, H. A.

List of the Noes.

Adderley, C. B.
Baldock, E. H.
Buxton, Sir E. N.
Conolly, T.
Duncan, G.
Egerton, Sir P.
Ellice, E.
Fordyce, A. D.
Herbert, H. A.
Hindley, C.
Lockhart, W.
Palmer, R.
Seymer, H. K.
Smollett, A.
Spooner, R.
Stafford, A.
Stuart, Lord J.
Taylor, T. E.
Vesey, hon. T.
Wortley, rt. hon. J. S.

TELLERS.
Cowan, C.
Forbes, W.

Bill ordered to be brought in by Mr. Locke and Mr. Peto.

The House adjourned at Two o'clock.

HOUSE OF COMMONS,

Wednesday, April 4, 1849.

Minutes.] New Writ.—For Nottingham County (Southern Division), *v.* Lancelot Rolleston, Esq., Chiltern Hundreds.

Public Bills.—1° Chattels Partition and Sale; Police of Towns (Scotland).

2° Attachments, Courts of Record (Ireland); Passengers; Friendly Societies.

Reported.—Tenants at Rack Rent Relief; Sequestrators Remedies.

Petitions Presented. By Sir Ralph Lopes, from Newton Ferrers, Devonshire, against the Parliamentary Oaths Bill.—From Clergymen of the Established Church, for Subdivision of Large Parishes.—By Mr. Bouverie, from Bristol and several other Places, and by Mr. Parker, from Sheffield, for the Clergy Relief Bill.—By Mr. Bouverie, from Kilmarnock, and a Number of other Places in Scotland, and by Mr. Cowan, from Stirling, against any Bill for the Purpose of compelling Railway Companies to run Passenger Trains on the Lord's Day.—By Mr. Parker, from Sheffield, for Reduction of the Public Expenditure.—By Mr. Osborne, from Inhabitants of St. Pancras, Middlesex, for the Adoption of Measures for the Relief of Distress arising from the Dearth of Employment.—By Mr. Walter Long, from the Medical Officers of Bradford Union, Wilts, for Redress of Grievances affecting Poor Law Medical Officers.—By Colonel Boyle and Colonel Freestun, from Poor Law Officers of Frome Union, Somerset, and Weymouth Union, Dorset, for a Superannuation Fund for Poor Law Officers.—By Sir E. Buxton, from Chelmsford, for the Suppression of the Slave Trade.

ADJOURNMENT OF THE HOUSE—CONDITION OF THE COLONIES.

Lord J. RUSSELL moved that the House at its rising should adjourn to Monday, the 16th of April.

Mr. HUME, before the House adjourned, thought that it should consider the state of the colonial governments at the present period. There was a sort of contention going on in the colonies, which could only lead to the most lamentable results. Assemblies were set against Governors, and Governors against Councils; and the consequence was a course of contradictory proceedings quite disgraceful to the country. The dissatisfaction of the colonies must be owing to misgovernment at home. For his part, he could not understand why the Government here persisted that the colonies should not effect such reductions in their civil expenditure as they thought fit. That a colony should be beneficial to the mother country it was absolutely necessary that the colonists should be contented—that they should be convinced they derived a benefit from their connexion with England. The benefit was mutual. But so far were our colonists from being contented, that he should ask people to read the accounts of what was going on in Jamaica—a colony that used to be a model of content and prosperity. In Jamaica the Council, a body that stood like the House of Peers, rejected what the Assembly and the whole of the inhabitants of the colony demanded, namely, a reduction in their civil expenditure. He said that a Government which permitted such proceedings ought not to be allowed to continue in office. What would be the consequence of them? What was to be expected but additional outlay for the maintenance of troops, and for the support of men who were acting against the wishes of the colonists? What was to be done with Demerara or Trinidad? The Government had sent out Mr. Barkly, as Governor, to Demerara, to settle the differences that had arisen; and what were those differences about? Why, the colonists were unanimous in demanding a reduction of the salaries of all the high officers; and the Council, who were all officials, would not permit it. Instead of having such a body as the Council, it would have been much better to give the Governor five votes at once. Every unofficial man in the colony had given his opinion in favour of the reduction; yet from the 30th of December, 1847, to the present period of 1849, there had been a constant contention kept up between the popular body there, and Earl Grey here. Only a few day ago, he (Mr. Hume) presented a petition signed by 2,500 proprietors of the colony, praying for the interference of the House. The fact was that dissatisfaction at present prevailed in every one of our colonies, except Canada, which was going on most satisfactorily. They had been told by some of the journals of this country that Canada was in a state of great uneasiness and discontent, because a certain sum of money was to be voted to compensate parties for losses they had incurred during the late rebellion. But in answer to that allegation, he (Mr. Hume) had to state that on the division which had taken place upon that subject on the 27th of February, the proposal which had been so much censured by a portion of the public press in this country, had been affirmed by a majority of 67 to 5—that was to say, that there were only five dissentients to a Motion which it had been said had caused the greatest dissatisfaction in the colony. He considered that the adoption of a system of responsible government in Canada, had been perfectly successful. He found that at various meetings throughout the colony, votes of thanks had been passed to the Earl of Elgin, the Governor General of Canada; and he (Mr. Hume) confessed that he had the greatest confidence in the ability and the good intentions of that noble Lord. He hoped that we might, next year, be able to withdraw the whole of the 10,000 troops we had there, and that Canada would, afterwards, continue more firmly united than ever to this country. He believed that the state of Canada was now one of growing prosperity, on account of the wise and liberal policy that had been adopted there; and he wished a similar policy was followed in our other colonies. He thought that before the House adjourned for the holidays it ought to receive some explanation from Her Majesty's Ministers of their views on the subject of colonial policy, and how they proposed to deal with the disaffection which at present prevailed in so many of our colonies. He should object to so long an adjournment as was proposed, unless he should hear from Her Majesty's Government that any steps had been taken for the purpose of introducing responsible government in Demerara and Jamaica.

Lord J. RUSSELL: Does the hon. Member move any Amendment?

Mr. HUME: No, I have no Amendment to propose.

Lord J. RUSSELL: The hon. Gentleman has certainly taken a new occasion of giving us his opinion on the subject of the colonies; but the theme on which he has expatiated is an old one, and the language which he has employed is that which he has usually adopted. I must beg the House to bear in mind that we have forty-three colonies connected with the British Crown; and therefore it is not wonderful that, almost at any time when the hon. Gentleman addresses the House, there should be some two or three colonies in which dissatisfaction and discontent may exist. The hon. Gentleman, therefore, in the observations which he has thought proper to make, has only availed himself of a very bold figure—that of taking part for the whole—when he said that all our colonies were discontented. I do not remember, indeed, any year for the last ten years in which the hon. Gentleman has not made this assertion. [Mr. HUME: Quite the contrary.] Well, then, I must proceed to cite particular instances. The hon. Gentleman many years ago used language with regard to Canada which tended, I think, not to reconcile that province to the Government of this country, but which rather tended to promote an unlawful resistance in Canada to the due authority of the Crown. For my part, I always said it was necessary to put down resistance to legal authority, and to assert the supremacy of the Crown; but at the same time it was my opinion that the wishes of a great colony like Canada should be respected, and that they ought to have an influential voice in the regulation of their own internal affairs. Well, the insurrection which had been excited was successful in some degree, but our troops were more successful; and in spite of the various prognostications which were hazarded—in spite of the denunciations which warned me that I was about to follow the example of Lord North, and that Canada would imitate the conduct of the United States, and separate herself from this country—I say, in spite of this, the measure which I proposed, for the union of the two provinces, was successful, and produced great content. And now we find the hon. Gentleman—all his prophecies being falsified, and everything which he said being proved to be groundless—admitting that the province is supporting the Government of the colony on the behalf of the British Crown. The House will recollect also that though the hon. Gentleman has made many attacks upon Earl Grey—attacks which have been severe and frequently repeated—the Earl of Elgin was recommended by Earl Grey for the government of Canada, and that the Earl of Elgin, by the admission of the hon. Gentleman himself, and of all reasonable people, has carried into effect the theory of responsible government with so much moderation and good sense as to reconcile in the happiest manner the interests of the colony and the mother country. Therefore, with regard to that colony at least, there must be a little exception to the statement of the hon. Gentleman, that the whole of our colonies are discontented. After all we have heard of the great discontent excited in Canada by the Bill introduced for the compensation of losses incurred during the rebellion, we find that there is a majority of sixty-seven in its favour, and only five votes against it. With regard to representative government, what does the hon. Gentleman want more? [Mr. HUME: Nothing.] I am very glad to hear the hon. Gentleman make that admission, because it shows that, with regard to one great colony at least, the hon. Gentleman is satisfied. With respect to Nova Scotia and New Brunswick, I do not know that there is anything of consequence which can be said with regard to discontent in those colonies. With regard to the colony of the Cape of Good Hope, of which we heard a good deal last year, Earl Grey recommended to the Crown Sir Harry Smith as the Governor of that colony—a man not only of great ability in war, but thoroughly acquainted with the colony itself; and his administration of affairs has been attended with the happiest results, there being no war now going on, and no discontent in that colony. I agree, however, with the hon. Gentleman, that, wherever it is practicable, our colonies ought to have representative government; and I believe that there is now a plan under the consideration of Sir Harry Smith by which a greater control on the behalf of the people will be introduced into the institutions of that colony. New Zealand is another colony in which there was, a few years ago, a very great degree of discontent, which found a very warm expression in this House. I think that the late Government, and particularly Lord Stanley, deserve very great credit for appointing a man like Captain Grey to the government of that colony. I had the honour of giving him his first appointment, being very much struck with his ability; and I am very glad to find him placed over the administration of affairs in New Zealand, which I believe he is likely to advance to a state of prosperity. With regard to New South Wales and Van Diemen's Land, there was some time ago a degree of discontent with respect to the subject of transportation; but I do not think it can be said that there is any very general discontent prevailing in those colonies. Well, then, if it is not the case that discontent and dissatisfaction prevail in the colonies which I have specified, let the House again consider that there are forty-three colonies under the British Crown, with various institutions, inhabited by different races, the government of which at all times has been a matter of considerable difficulty. Now, I ask the hon. Gentleman to name to me forty-three independent States in which there is not a considerable degree of discontent to be found. Let him take every one of the States of Europe, as well as those which extend over the American continent, and point out to the House forty-three States whose institutions give perfect satisfaction to the people who live under them at the present moment. I do not think that he can do so, and therefore it is not right that every Colonial Secretary should be told that discontent exists in the colonies. There are colonies in which I do not deny that a good deal of dissatisfaction prevails; but when the hon. Gentleman refers to the causes of that dissatisfaction, I think he can hardly lay them to the charge of the Colonial Secretary of State. I mean those colonies which are concerned in the production of sugar. The Act by which the slaves were emancipated, and the Act by which the admission of foreign sugar was regulated, were the work of Parliament; and there is no doubt that the effect of these two laws has been to diminish the profits arising from the production of sugar in the colonies, and that much dissatisfaction is the consequence. But the hon. Gentleman cannot find fault with these acts. Whether they were wise or not, they were not the acts of the Colonial Secretary, but of Parliament; and whatever discontent prevails on that account, it is not to be laid at the door of the Secretary for the Colonies. Nothing could be more natural than that such a change in the value of property in those colonies should produce a good deal of discontent and dissatisfaction. Of course I do not wish to enter upon so large a question at the present moment, but with respect to tho colony of British Guiana, I wonder that the hon. Gentleman should now bring it under the consideration of the House. An hon. Gentleman moved for a Select Committee to inquire into the state of that colony; and pending that inquiry, I do not think it advisable to bring the subject under the consideration of the House of Commons, without knowing what evidence has been taken before the Committee, and without being informed what opinion they have formed upon it. The hon. Gentleman the Member for Montrose, however, represents that Earl Grey will not allow British Guiana to make any change in the civil list, or in the salaries of the civil servants of the colony. That is not the ground taken by Earl Grey. He says, "Let a reduction be made, if it be necessary; but let it be made at a time and in a manner consistent with the faith established between the Crown and the colony." In 1844, the colony gave the Crown a civil list, which was to subsist till the year 1851. Those who now hold offices in the colony, hold them upon the faith of the civil list, which was established by the colony on the one hand, and by the Crown on the other. Earl Grey says, that it would not be proper or fair for the provincial legislature, on its own authority, to disturb and set aside that arrangement. He considers that he is bound to maintain it; and I do not think that when the faith of a colony has been pledged to a civil list, no engagements, however solemn, are to be respected because discontent prevails in the colony on the subject. Such is the objection which Earl Grey makes; and he says, "Let a reduction be made, if necessary, but let it be made in a manner which is consistent with the faith due to the Crown." The hon. Gentleman speaks of the opinion of the legislature having been overruled; but he speaks of it as if it had been the opinion of a popular legislature. Now the legislature of British Guiana, so far as it is unofficial, is elected by a very small body, and does not by any means represent the inhabitants of the colony. I have always been, and am still, of opinion, that there ought to be a more popular representation in that colony, and that the present Court of Policy does not represent the general opinion of the inhabitants. In 1851, the bargain to which I have referred will be at an end, and the legislature of the colony may make any change which it may consider desirable. All the observations, therefore, of the hon. Gentleman with reference to the prevalence of discontent in the colonies amount to this—that, with regard to the sugar colonies, there have been such changes made as to place them in very great difficulties. But the Colonial Secretary of State did not cause those changes; and I believe that he deserves the utmost assistance on my part in the attempt which will be made to get over those difficulties, which must be met with temper, but at the same time with firmness. The House will have the opportunity of seeing, when the report of the Committee is presented, what is best to be done; but I do not think that the scheme of popular representation would prosper everywhere; for instance, I do not think that it would be applicable to Gibraltar. In my opinion, this general proposition admits of very great exceptions; but I agree with the hon. Gentleman, that wherever there is a British colony, and a population of British descent, capable of governing themselves, you ought to admit them to the advantages of a popular representation. I think that, in such a case, they ought to look into their own concerns; as the opinion which they may form on the subject of their own laws and finances are likely to be a great deal better than those at which any Colonial Secretary may arrive, whatever may be his talents, and whether that office be filled by Earl Grey or any one else. At the same time it must be borne in mind, that this is a maxim which must be a carried into effect with a regard to the actual condition of each particular colony.

Mr. BERNAL did not mean to oppose the adjournment; but, though he was not prepared to say that our 43 colonies were discontented, nor that our Colonial Secretary was responsible for the heartburnings which prevailed, yet he could not disguise from the House that those colonies to which his hon. Friend the Member for Montrose had adverted were in a state upon which it was painful to reflect. He would take Jamaica, with the state of which he was best acquainted, and, without travelling into reasons or entering into details, he could assure the House, that with respect to its financial arrangements and its statistical condition, that colony was in a most deplorable state. He was the last man to advise that any breach of faith should be committed, but he knew that the salaries of the Government officers, and of the ecclesiastical ministers in that island, were in a state of abeyance; and that in many places the ministers of the Established Church would remain unpaid altogether, were it not for the exertions of particular congregations. Without putting his finger on any sore place, he earnestly recommended to the Government temper, moderation, and discretion in their communications, for the occasion was one which demanded temper and moderation, more than it fell to the lot of any human being to possess. Throwing away altogether that warmth or violence of feeling which belonged to him when such a subject was under discussion, he would say that he looked on our colonial connexion as well worth preserving. We lived in an age of experiments. He did not find fault with experiments having been made; but before they embarked for another voyage on the wide sea, he would have the House consider the wisdom of doing nothing which might endanger the connexion between the colonies and the British Crown.

Motion agreed to.

House at rising to adjourn to Monday, 16th April.

ATTACHMENTS, COURTS OF RECORD (IRELAND).

On the Motion that this Bill be read a Second Time,

Mr. KEOGH said, he had no objection to the principle of the Bill, but thought injustice would be done to the marshal of the Recorder's Court, who derived certain fees from the process of attachment, which the hon. Member for the city of Dublin proposed to abolish by this Bill, without giving the officer in question any compensation. He might take a pull at the Consolidated Fund, to use the phrase of the hon. Member, but objections were entertained to such a course; and he would, therefore, suggest as a preferable course that whatever might be substituted for that of attachment, the same fees should be paid on that process during the life of the officer, but to cease after his death.

Mr. GROGAN had no intention of opposing the second reading, but wished rather to see a measure which excited so much interest so dealt with as to secure the general concurrence of all; and he would, therefore, suggest to his hon. Colleague not to move the second reading now, but to let it stand over till after Easter.

Mr. REYNOLDS was happy to find that the two hon. Members approved of the principle of the Bill, as it appeared that their only objection to it was that it did not provide compensation for a particular officer of the court. Although he was extremely anxious to carry this Bill, he would not be a party to inflict any injustice on any officer fairly entitled to compensation for the abolition of his office. If the Bill was then read a second time, it would be ample time for either of the hon. Gentlemen opposite to propose a clause for compensation when the House went into Committee on the Bill. The House, he was sure, was hardly aware of the nature of these courts. The Boroughreeve Court in Dublin was formerly known by the name of the Sheriffs of Dublin Court; but this had been abolished by one of the clauses in the Irish Municipal Act, and the powers possessed by it were transferred to the Recorder's Court. The process was, that any person who declared that another person was in his debt, had only to make an affidavit to that effect before the Lord Mayor or the Recorder, when he obtained an attachment on the goods of his alleged debtor. He found, by the Parliamentary paper, 249, of this Session, that the gross number of affidavits for attachments sworn before the Recorder of Dublin, during the last three years, was 301; and before the Lord Mayor of that city, 1,984, making together 2,285. Of these not less than 1,076 were for debts under 20*l.* It appeared in another part of this return also, that the fees and expenses in most cases exceeded the amount of the debts. Was the House aware of the nature of an attachment? It was the seizure of the goods of a defendant by a bailiff on the mere allegation of debt, which could not be released until the defendant obtained two bail, who had to swear that they were worth double the amount for which the goods were seized. There need be no previous application or notice to the defendant before his goods were seized for an alleged debt; so that this process had all the effect of a judgment in one of the superior courts. A pauper in the streets might make an affidavit that a merchant or shopkeeper owed him 100,000*l.*, and the defendant could not get his goods released until he got two sureties who swore that they were worth 200,000*l.* above all debts which they might owe. As an illustration of the proceedings in this court, he would mention the case of a highly respectable professional man, who proceeded from Dublin to the Continent, and left his house there in the charge of two servants. While he was away, a man who had formerly been a servant in his house swore that this gentleman owed him 500*l.*; and on his return to Ireland, he found that all his goods had been sold by auction, to pay this alleged debt. He had been informed that the Judges in all the superior courts in Dublin were opposed to this attachment system; and in a case in the Insolvent Court, recently reported in the *Freeman's Journal*, one of the Commissioners expressed a hope that it would be immediately abolished. He was glad to find that the two hon. Gentlemen opposite did not object to the principle of the Bill; but if they did, he really thought that if the population of Dublin were polled on the question, they would find themselves in a minority of two. When the Bill was in Committee, he should not object to any reasonable proposal for the purpose of compensating and protecting the interests of the marshal, and it appeared likely that the proposal which the hon. Gentleman himself had made, would prove a practical one. He trusted the House would assent to the second reading of the Bill.

The ATTORNEY GENERAL had no intention of opposing the second reading of the Bill, for he highly approved of its principle; but in consequence of what had fallen from the hon. Gentleman the Member for Athlone, he thought it necessary to guard against any understanding that the Government would consent to the compensation of the marshal out of the Consolidated Fund. It would be well to consider the propriety of pausing on every measure of improvement in the law, on the ground of there always being some vested interest to pay for. There had been many cases in which most exorbitant claims made upon the public had been conceded, rather than that a useful measure of reform should be abandoned. He admitted the propriety of some compensation being made to this officer, but doubted whether the course proposed by the hon. Gentleman opposite, of continuing the fee under the new Bill, should it pass, would be the proper course, inasmuch as it would impose a tax upon the poor suitor to the amount of some 6*s.* or 7*s.*, not because it was necessary, but because this marshal must be compensated.

Mr. SADLEIR was glad that the hon. Member for Athlone was proceeding with this Bill; for he was rejoiced to see some chance of a creditor being able to proceed against an absent debtor. In the present state of the law, a landed proprietor in Ireland might owe many thousands, to tradespeople and others, and yet manage, by living abroad, to enjoy the whole income arising from his estates, leaving his creditors all the while unpaid.

Bill read a second time; committed for Wednesday, the 25th April.

PASSENGERS' BILL.

On the Question that the Passengers' Bill be read a Second Time,

Sir H. WILLOUGHBY said, he took it for granted that the words "mercantile vessel" would be construed to mean any description of sea-going vessel; therefore, upon that point, he did not think it necessary to trouble the House with any observations; but he rose to say that he thought the regulations which this measure imposed ought to be made applicable to vessels proceeding from one part of the united kingdom to another. A striking instance had recently occurred, that of the *Londonderry* steamer, showing the necessity of some regulations in the case of passengers proceeding by vessels engaged in what might be called the coasting trade. He wished to know whether the hon. Gentleman opposite would have any objection to introduce some such regulations when they came to consider the Bill in Committee.

Mr. J. O'CONNELL said, that if the hon. Baronet would look at Clause 4, he would find that it entirely prevented the introduction of any such regulations as he had properly suggested. He was sure that if the hon. Gentleman the Under Secretary for the Colonies could only see the way in which steamers leaving Ireland were crowded, he would at once acknowledge the necessity of making some provisions against such abuses; he doubted, however, whether it could be effected in the present Bill, and, if it could not, he was quite of opinion that a short Bill ought to be brought in and without delay passed for that special purpose.

Mr. MONSELL was sure that the justice of the appeal made by the hon. Baronet behind him would be felt by the House. It had been found, and he was happy to say so, that the Bill of last year had worked well; he rather regretted to find that some of its provisions were altered by the present measure; and he hoped that the hon. Gentleman the Under Secretary for the Colonies would see the advantage of referring to last year's Bill before that which was now before them went into Committee. The subject was one of great and growing importance. As many as 250,000 of our fellow-subjects became every year interested parties in these Passengers' Bills; and he, therefore, thought the time of the House by no means mispent in attempts to render it as perfect as possible. One of the greatest difficulties was to accommodate the dietary to the different habits of the English and Scotch on the one hand, and the Irish on the other. The early habits of those nations were so dissimilar, that it became no easy matter to determine upon a dietary that should be suitable to all of them. Upon these grounds, as well as for other reasons, he did think it would be much better to send this Bill to a Select Committee before they proceeded with it any further, for such a Committee could best manage details respecting the quantity and quality of the diet. Another point on which he wished to say a word was the appointment of surgeons to passengers' vessels. The appointment of medical men was at present left in the hands of the owners of the vessels—subject, of course, to the approbation of the emigration agents; but still the appointment was practically in the hands of the owners of the vessels. Now, that was leaving the matter to those parties who were most interested in defeating its beneficial operation. It would be much better if they required that those officers should be appointed in the manner suggested by Mr. Stephen De Vear. He saw no reason whatever why the Colonial Office should not appoint a person to see that no abuses connected with the appointment of surgeons took place. Upon the whole, he earnestly recommended the reference of the Bill to a Select Committee upstairs.

Colonel DUNNE said, that the Bill would introduce great improvements, especially as regarded the dietary. Perhaps it was fixed on too high a scale for the poor people of Ireland.

Mr. H. HERBERT observed, that the temporary measure of last year had worked very well; and he thought that evidence of that ought to be laid before a Committee of the House.

Mr. HUME had always been opposed to legislating in detail upon such subjects as this. It was well known that many letters came from Canada to this country, and from other places also, complaining of the inadequate manner in which the trade in emigration was carried on, and complaining very strongly of the state of the vessels in which emigrants were carried out. There was every reason to believe that the officers in charge of those vessels neglected their duty. He thought that Government ought to require certificates from the emigration agents at the different ports where the vessels arrived as to the condition of the vessel, &c. Furthermore, he considered that it should be the duty of those officers to see that in all emigrant vessels cleanliness and ventilation were duly attended to.

Mr. HAWES said, he was very glad that there existed no objection to the principle of the Bill, and that it, therefore, might now be read a second time without any one being dissentient. In the course of the present conversation various details had been mentioned, and he was happy to observe it universally admitted that the Bill of last year had effected a beneficial change. He could confirm the statements of hon. Members upon this point by saying that the last accounts from Canada, from Australia, and from the United States, were all in favour of the working of that Bill. The present measure, however, could hardly be called a new Bill, for it was a general consolidation Bill; it, therefore, necessarily comprehended many details contained in former Acts; and, in bringing the whole of the law into one general Bill, the House would find that it contained many provisions which were already in force. As to the dietary, he was bound to say, that the evidence which came under their notice decidedly showed that the dietary ought to be improved, not only in order that the emigrant should be more comfortable during his voyage, but that on his landing he should be in better health, more vigorous, more capable of labour, and, therefore, better able to obtain work and food. The dietary which the Bill of last year enjoined had been a great improvement upon the preceding practice; and that being admitted, some people said, why not be content? but when they went into Committee, he could bring conclusive evidence to show the necessity for a still better dietary. He might, however, at present, make this observation, that heretofore the emigrants were in the habit of taking with them some food themselves, but that if in future there were a full dietary it would be found, on the whole, not to produce any material increase of cost to the emigrants. In his opinion, these matters ought not to be left to the emigration agents alone; but the law on the subject should be clear and unequivocal, and should be fully known to landed proprietors and others who might be disposed to promote emigration. With respect to the suggestion about providing a different dietary for vessels, according to the part of the united kingdom from which they sailed, he begged to say, that he saw great objections to introducing any such provisions in the Bill. Then, as regarded the reference of the Bill to a Committee upstairs, it was a point on which, at present, he did not like to pledge himself, but rather preferred to reserve it till the House reassembled. He next came to the suggestion of the hon. Baronet the Member for Evesham regarding coasting vessels. For any suggestion proceeding from him he entertained the highest respect; but he feared that his views on this point could scarcely be carried out now, for the coasting trade evidently did not come within the scope of the Bill. Regulations suited to coasting vessels could not well be made to apply to those which went long voyages. His hon. Friend the Member for Montrose had said that the agents abroad ought to hear and make reports upon all complaints which might be made to them respecting emigrant vessels, He could inform the House that that had already been done; and he now ventured to hope, that for the immense mass of human beings who every year were proceeding from this country to another quarter of the globe, the Passengers' Act would prove most beneficial.

Major BLACKALL was favourable to referring the Bill to a Select Committee, and protested against there being any difference in the dietary of English, Scotch, or Irish emigrants. He thought it would be a cruel disappointment to many of the Irish people, who had been saving money during the winter with the object of emigrating to America, to require them to provide a dietary for the voyage which was entirely beyond their means.

Bill read a second time, and committed for Wednesday, the 25th April.

FRIENDLY SOCIETIES BILL.

Mr. SOTHERON, in moving the Second Reading of this Bill, said, that the object of it was to remedy certain defects in the Friendly Societies Bill passed two years ago. It required that a competent authority should be appointed who should certify not only that the rates and contributions which had accumulated in these different friendly societies were sufficient to meet their liabilities, but that he should also affix his signature of approval to the rules as well as the tables of such society. The recent Act provided that every five years there should be a valuation made of the assets and liabilities, which should be drawn out and sent to the registrar; but it omitted to provide that this computation was to be done by a competent person. That part of the measure was therefore useless. This Bill would require this computation to be made by a competent person, namely, an actuary of five years' standing, and to whom a fee of one guinea was to be paid. Having received several communications recently complaining of the inadequacy of this fee, it was his intention in Committee to move that the fee should vary according to the number of members in the society, beginning with one guinea when the number did not exceed 200; and when it was more than 200, and not above 400, two guineas; when above 400, and not exceeding 700, three guineas; when above 700, and not exceeding 1,000, four guineas; when above 1,000, and not exceeding 1,500, five guineas; and so on, increasing in proportion. From the calculations made, these fees would not amount, in every five years, to more than one penny a head to each member. Such a return would afford a certain means of ascertaining the solvency of every society in the kingdom. The Bill would also require that every year each society should make a return of its assets and liabilities; and the registrar should make out from this return a paper to be laid before Parliament, by which a mass of information would be collected upon this important subject. It was not generally known in this House how very large a portion of the community of this kingdom were subscribers to these friendly societies. The Bill would affect not less than 34,200 societies, the number of members in which exceeded 4,000,000. The annual sum raised thus from the savings of poor men exceeded the sum of 6,000,000*l.* He thought, then, it would be allowed that this subject deserved the attention of Parliament, with a view to protect the interests of the poor persons who invested a portion of their hard earnings in those friendly societies. The Attorney General had intimated to him that the Government wished to make some alteration with respect to burial clubs; and perhaps that hon. and learned Gentleman would undertake to draw up a clause on the subject, which might be proposed at a subsequent stage of the Bill.

The ATTORNEY GENERAL said, that he highly approved of the object of the measure; but there were one or two points which required much consideration. It would appear by the terms of the 3rd section, that the registrar might receive fees to the amount of 5,000*l.* or 6,000*l.* a year from the societies transmitting their accounts. [Mr. SOTHERON said he was ready to provide against such a large accession to the registrar's fees.] Now, he apprehended that it could not be the intention of the hon. Member who had charge of the Bill, or of the House, to authorise any one individual placed in the situation of the officer referred to, to receive so large a salary. Such a provision would lead to the greatest evils, and to the grossest imposition towards the public. He thought, likewise, that some provisions ought to be made to guard against the dangerous temptations held out by burial societies. How this object was to be effected was, no doubt, a matter that called for their most serious consideration. It might be questioned whether the title of this Bill would warrant the introduction of such provisions. He thought, however, that it would be a most important object to attain if they could embody all these provisions within one general and comprehensive measure.

MR. ROUNDELL PALMER thought that there were other societies in which a great many poor and industrious persons had placed their savings, which were not under the protection of the law, and which demanded their immediate attention—he referred to the "Odd Fellows'" societies. There were no possible remedies as yet adopted against the grossest frauds that might be committed in those societies. When it was considered that there were many thousands of those societies, and that the number of members belonging to them was immense, it was, he thought, the duty of Parliament to devise some means by which the protection of the law would be afforded to them. In Manchester alone, where the chief society of Odd Fellows was established, there were no less than 264,000 members belonging to it. The annual amount raised from them was 396,000*l.* He believed that the Bill that was framed last year to meet this case failed because some members of these societies were not willing to be placed under the power of the law. He thought, however, that it was their business to bring them within the operations of the law.

The ATTORNEY GENERAL said, that in the observations which he had previously made he did not intend to allude to the "Odd Fellows," which were not legal societies; though he believed them, in many respects, to be very useful societies, they required to be supervised and regulated. Those societies were illegal on two grounds—they had secret signs, and they had branch or corresponding societies. The members were ready to communicate their secret signs to magistrates, but they were unwilling to give up their corresponding societies, on the ground that they could not do so without destroying the efficiency of the associations. It had not been thought advisable, especially under the circumstances existing last year, to repeal the laws against corresponding societies—a step which might have given any persons, under the pretence of being members of Odd Fellows' societies, an opportunity of organising seditious societies; but he was most anxious that the Odd Fellows' societies should be brought within the protection of the law.

Mr. BROTHERTON thought it was most important that something should be done in respect to these societies of Odd Fellows, as there was at present no security whatever against frauds committed on them. In respect to the present Bill, he was of opinion that it was a most dangerous experiment to authorise the payment of fees, as it would have a tendency to discourage persons from joining these friendly societies, which should rather be fostered and encouraged as much as possible. He knew, however, that many of them had been formed upon erroneous principles; but a proper measure of legislation would have the effect of correcting these evils in some degree by giving a good security to those who subscribed to them. It was also most desirable to discourage the system of holding their meetings in public-houses, where a great portion of the money which might be dedicated to useful purposes was expended for liquor.

Mr. ADDERLEY said, that the difficulty of legislating for the Odd Fellows' societies arose from their own objections to the proposal made to them to bring them within the sanction of the law. There appeared to him to be only one objection to the bringing them within the provisions of a Bill, and that was their secret signs. The objection as to their being corresponding societies, he thought could be got over, for by the 9th and 10th Vict. that difficulty was provided against if these societies were enrolled. In respect to friendly societies, he thought that the best way to avoid the evils that might arise from them, was to have a constant and rigid examination of their accounts. All the incipient danger might be avoided by a proper measure of legislation.

Mr. HUME did not know anything more important than to encourage these societies, for he always thought that they afforded the best means of cultivating prudence and thriftiness amongst the working classes. He thought it most desirable to enable all such societies to obtain legal advice without much expense; indeed, he would support a proposition to pay a professional man at the public expense, for he thought that the public money could not be better bestowed than by encouraging habits of prudence amongst the people, and enabling them to provide against sickness or other contingencies to which the most provident and best-disposed people were liable. He wished to ask the hon. and learned Attorney General whether he was disposed to concur in the opinion that all societies should be brought within that protection of the law which, he said, was not now given them?

The ATTORNEY GENERAL was quite disposed to concur in the opinion that it was desirable that all these societies should be brought under the operation of the law; the difficulty was with respect to the mode of carrying that object into effect. It might be desirable to arm the law with a summary power to inflict penalties upon those societies professing to act, but which in reality did not act, under the sanction of the law.

Mr. H. HERBERT observed, that as the law at present stood, there was no responsibility, and consequently no security, felt in these friendly societies. He trusted that the House would now legislate in such a manner as to impart a feeling of security in the public mind with respect to these institutions.

Mr. E. DENISON thought that the class of persons who were interested in these societies were greatly deserving of the attention and consideration of the House. Many of these societies offered higher premiums in the country than legal societies did. They came before the public with very much the show of solidity, and ignorant people were generally captivated by the promise of a high rate of interest, and thus induced to intrust their hard-earned savings to them. He trusted that this Bill would be made to embrace a much wider field than was now proposed, and that all those societies would be brought within its scope.

Mr. P. SCROPE, whilst he concurred in the objects of the Bill, doubted whether it would be found effectual in curing the evils which existed with respect to those societies. Some years ago he had introduced a Bill for placing these societies on a sounder footing, but the measure failed in its object. These societies, which were sometimes called "friendly," sometimes "benefit societies," were in fact mutual assurance societies, in which the parties mutually insured each other against certain contingencies that might arise. Now, it was of the greatest importance so to secure the solvency of these societies, that a party, after having subscribed for years in anticipation of a particular benefit at the expiration of a certain period, should feel that he was protected against the sudden breaking up, or bankruptcy, of the concern. But the whole subject was one upon which the Government itself could best legislate.

Lord DUDLEY STUART said, that all sides of the House admitted the utility and importance of the Odd Fellows' societies. Was it not, then, extraordinary that they should be still allowed to be illegal? He trusted the hon. Gentleman opposite would, if possible, introduce a clause in his Bill to include them.

Mr. CORNEWALL LEWIS thought that the House generally would agree that the hon. Gentleman who had introduced the Bill was entitled to their thanks for the trouble he had taken. There seemed to be no objection to the second reading. But the details of the Bill were such, and some of the observations and suggestions of the hon. Members for Plymouth and Kerry were so important, that the better course would probably be to read the Bill a second time, and refer it to a Committee upstairs.

Mr. SOTHERON had no objection to the Bill being referred to the Select Committee, provided it were not materially extended in its principles and operations. His fear was, that the numerous suggestions likely to be made in Committee would so alter the Bill from the comparatively small one which he meant it to be, that it would be in fact lost. There were 34,000 of those societies in England, with a capital of 6,000,000*l.*, and not above one-half of them were enrolled. As his Bill was merely to amend the measure under which they were enrolled, its operations would extend to only about 14,000 societies. If, then, he agreed to the Select Committee, he hoped that at the first meeting they would define exactly what their objects were. And if he did not think the effort of the Committee would be to carry out his objects, he trusted the Government would come to the rescue.

Mr. CORNEWALL LEWIS explained that he had no intention of imposing upon the hon. Gentleman a general revision of the law relating to friendly societies. But inasmuch as several suggestions had been offered, he thought they would be better considered by a Select Committee than by the House.

Bill read a second time, and committed to a Select Committee.

TENANTS AT RACK RENT RELIEF BILL.

The House went into Committee upon this Bill.

Mr. SOTHERON begged pardon of the House, if, in his ignorance of the proper form, he had left to that moment the explanation he felt bound to give in consequence of the number of suggestions that had been made to him upon the subject of this measure. He had been urged by all those hon. Gentlemen who had supported the second reading of the Bill, to go still further, and, instead of putting one-half only of the rates upon the owner of the property, to put the whole amount. Several other additions had been urged upon him, but he did not adopt them; because, in the first place, he did not think that he could carry them; and, in the next, he feared that he might lose his Bill altogether, if he attempted to introduce them. He would, however, throw out some suggestions for the consideration of the Government. The county rates were divisible under three heads. The first of these heads, concerning works of a national character, as the maintenance of prisoners, the transport of them, the cost of prosecution, and all matters connected with the criminal jurisdiction of the country, ought to be supplied at the expense of the Government: the second, which was of a permanent character, such as the cost of all buildings in the county for public purposes, ought to be defrayed by the owners of property; and the third to be borne by the occupiers, would be the cost for such smaller items as they received, and perceived the advantage of. Whether the Government would accede to the first part of his proposition, he did not know; but it was notorious that there was hardly a county in the country between which and the Government there was not a misunderstanding regarding the building of gaols and the regulations of prisons. He, therefore, thought it would be well that the Government should pay the whole of this charge. They could then regulate as they pleased, the magistrates having no right to interfere with them. He would thus strike off from the county rates the whole charge for the maintenance of prisoners before and after trial; the expenses of prosecutions, and the removal of convicts; the salaries of gaolers, and all the cost of prison jurisprudence. The greater part of these charges had been already taken in hand by the Government. He would recommend them to take the remainder. Then, with regard to the second item, he thought that whatever expenditure for public purposes in the county was of sufficient magnitude to require that the payment should be extended over several years, should be considered a fair burden upon the owners of property, and not upon the occupying tenant. The remaining charges would be only the salaries of the treasurer of the county, of the clerk of the peace, of the coroners, and one or two other small items, and they would fall lightly upon the occupiers. Now, whether these matters were to be considered by a Committee of the House, or by a number of county gentlemen themselves, he thought it would be well if all who were interested in the question, whether Members of the House or not, were to meet together and try to devise some mode, upon a clear and intelligible principle, whereby they could take upon their own shoulders some of those burdens that were found oppressive to their tenantry. The ratepayers would then see that the landlords were willing to do what lay in their power to lighten the burdens of the people. With regard to the suggestion that had been made to him, that the whole, instead of half, the rates should be paid by the owner, he did not object to its introduction, if it should be the feeling of the House. But, if there were any strong opposition to it, he should prefer adhering to his original proposition, and he trusted that the House would allow the Bill to pass in its present shape.

Mr. E. DENISON thought that the whole system of local taxation and expenditure was far from being in a satisfactory state, and that it required careful consideration with a view to its revision. The provisions of the Bill under consideration would operate unequally with regard to expense; and he thought the best and most satisfactory course would be to refer the Bill to a Select Committee, when the whole subject in connexion with local taxation could be considered, and the measure adapted to the circumstances of the case.

Mr. SPOONER agreed with the hon. Member who spoke last that the county expenditure was in a most unsatisfactory state, and that the present system required alteration. He agreed with the principle of the measure of the hon. Member for North Wilts; but he thought that it should provide for the total relief of the rack-rent tenants from the expense in question, instead of half of it; and upon bringing up the report, he should divide the House upon the point. If the principle of relief was good in one case, it was good in the other. There were many evils connected with local taxation and expenditure; and, believing that this Bill would tend to rectify some of them, he thought that the details of it could best be considered by a Committee upstairs.

Mr. HUME was of opinion that the whole subject should be dealt with at once, instead of piecemeal. He quite agreed that the best way of settling the question would be to refer the Bill to a Select Committee.

Sir W. JOLLIFFE thought that much more ought to be done to improve the system of county rating and expenditure than was contemplated by this Bill. He approved, however, of the principle of the measure, and he hoped that it would be passed into a law. If it was just that the rack-rent tenants should be relieved from half of the expenses of the lunatic asylums, upon the same principle it was just that they should be relieved from the whole of them; and he, as a landlord, was quite ready to bear his share.

Mr. KER SEYMER hoped the hon. Gentleman would proceed with his Bill. If he adopted the suggestions of the hon. Member for Montrose, and sent the Bill before a Select Committee, he might rest assured it would not pass this Session.

Mr. CORNEWALL LEWIS agreed with the hon. Member for Montrose that much advantage would be derived from the consideration of this question as a whole, with a view to some general supervision; and if the Bill he had introduced yesterday was sent to a Select Committee, an opportunity of considering the subject would thereby be afforded. From the recent changes that had taken place, it was necessary that an official control should be exercised, either by the Treasury or some other authority; and he believed the subject was under the consideration of the Government. As to the proposal which had been made, for including buildings not now named in the Bill, it was worthy of inquiry; and he would be glad to give every assistance in his power. He certainly should be sorry to see the Bill postponed, as it had a good practical object in view.

Mr. WILSON PATTEN thought it would be scarcely fair to send this Bill before a Select Committee, where new matter might be introduced which would endanger its passing through the House.

Sir H. WILLOUGHBY objected to the charges being laid upon real property only, seeing that the objects for which they were made were for the benefit of all classes of the community.

Sir G. STRICKLAND said, the principle of the Bill was, that one half of the rates for lunatic asylums should be paid by the landlord, and the other half by the tenant; but this proposal was not approved by the House; the Bill therefore required to be rectified, and he thought the proposal of the hon. Member for Montrose a very reasonable one.

Mr. E. DENISON thought it somewhat strange that they should be asked to pass a Bill through Committee which did not contain the views of the hon. Gentleman who promoted it. The hon. Gentleman thought the whole charge should be placed upon the owners, but the Bill divided it between the owners and the tenant. Now, that difficulty might be got over if he allowed the Bill to go before a Select Committee.

Mr. SOTHERON thought the proposal to send the Bill before a Select Committee would have the effect of indefinitely postponing it; and all that could reasonably be asked of him was, that he should not press the Bill to a third reading till the Select Committee to be proposed by the hon. Member for Montrose had reported. He did not think that this Bill would at all interfere with the one brought forward by the hon. Member for Montrose, which no doubt related to the settlement of a great national question.

Mr. E. DENISON was quite ready to accept the suggestion now made by his hon. Friend, that the Bill should not be pressed through the remaining stages till after the Select Committee had reported. If, however, after the lapse of a certain time the Committee should have come to no conclusion, then he might be permitted to go on with the Bill.

Mr. HUME explained that the object of his Bill was to equalise the assessment of the county rates, and to provide for the better management of the expenditure.

Several Amendments were then agreed to. Bill reported. Bill, as amended, to be considered on Wednesday, 25th April.

CHATTELS PARTITION, AND SALE.

Mr. ROUNDELL PALMER moved for leave to bring in a Bill to authorise, in certain cases, the partition or sale of chattels personal held in joint tenancy or tenancy in common. The hon. and learned Gentleman briefly explained that the object of his Bill was to afford a more effectual remedy than the law at present allowed to a minority of the part owners of a ship, when a disagreement arose between them and the majority as to the employment of that ship. The law, as it at present stood, empowered a majority of the part owners of a ship to employ that ship against the will of the minority; and the minority had no remedy except going to the Admiralty Court and there calling upon the majority to give security, not for any portion of the profits of the voyage, but against any loss that might arise from the particular mode of employing the ship. But even that inadequate remedy could not be obtained by the minority, except under a renunciation of all share in the profits that might accrue from the voyage. If the minority did not avail themselves of the course thus open to them, they would be liable to share in the risk of the loss of the ship, and of the expenses incurred in sending her out, although it was done contrary to their own wishes. He had consulted with several parties connected with the shipping interest at Liverpool, and with many commercial persons in London, as to the remedy to be applied to this case, and he had obtained their approval of the simple remedy which he now wished to embody in the Bill he was desirous of introducing. What he proposed was, to enable the parties who were in the situation he had described to apply to the Court of Chancery in a summary manner by petition for a sale of the joint interest in the ship about the use of which they could not agree, and he proposed to extend that power generally to all chattels personal held in joint tenancy or tenancy in common.

Bill ordered to be brought in by Mr. Roundell Palmer and Mr. Cardwell.

The House adjourned at Five o'clock till Monday, the 16th April.

HOUSE OF COMMONS,

Monday, April 16, 1849.

Minutes.] Public Bills.—2° Apprehension of Deserters (Portugal).

Petitions Presented. By Mr. G. Thompson, from Inhabitants of the Metropolis, for the Adoption of Universal Suffrage.—By Mr. H. Berkeley, from Bristol, and by other hon. Members, for the Clergy Relief Bill.—By Mr. Alexander Hope, from Dodford, Northamptonshire, and several other Places, against the Marriages Bill, and by Mr. Stuart Wortley, from Rotherham, Yorkshire, and other Places, in favour of the same.—By Mr. Elliot, from Kelso, for Alteration of the Marriage (Scotland) Bill.—By Mr. Gibson Craig, from Edinburgh, against the Marriage (Scotland) Bill, Registering Births, &c. (Scotland) Bill, and Lunatics (Scotland) Bill.—By Mr. Fox Maule, from Glasgow, and a Number of other Places, and by several other hon. Members, against the Sunday Travelling on Railways Bill.—By Sir William Codrington, from Cirencester, for Repeal of the Duty on Malt and Hops.—By Mr. Cornewall Lewis, from Ross, Herefordshire, for Rating Owers of Tenements in lieu of Occupiers.—By Mr. Cobden, from Francis Higginson, Lieutenant in the Royal Navy, for Inquiry and Redress.—By Mr. Archibald Hastie, from Paisley, against the Lunatics (Scotland) Bill.—By Sir Henry Halford, from Members of the Leicestershire Agricultural Society, against the Navigation Bill and Public Roads Bill.—By Mr. Godson, from the Guardians of the Poor of the Kidderminster Union, for an Alteration of the Poor Law.—By Mr. Arkwright, from Leominster Union, and by other hon. Members, for a Superannuation Fund for Poor Law Officers.—By Colonel Thompson, and other hon. Gentlemen, for the Adoption of Measures for the Punishment of the Promoters of Promiscuous Intercourse.—By Captain Edwards, from the Mortgagees of the Tolls, and from the Acting Trustees, of the Turnpike Road from Rochdale, Lancashire, to Halifax and Ealand, in the West Riding of the County of York, against the Public Roads (England and North Wales) Bill.—By Mr. Fox Maule, from Perth, and by other hon. Gentlemen, from several Places, against the Registering Births, &c. (Scotland) Bill, and Marriage (Scotland) Bill.—By Mr. Raikes Currie, and other hon. Members, from several Dissenting Churches and Congregations in Northamptonshire and other Places, for referring International Disputes to Arbitration.

COLONIAL ADMINISTRATION.

Mr. SCOTT: The subject which he ventured to bring under the consideration of the House, namely, the condition of the Colonies, had unfortunately not been deemed worthy of any place in the Speech from the Throne at the commencement of the Session, which contained reference to foreign affairs and all other topics, but not one word upon colonial matters. When he considered the vast and growing importance of the colonial possessions of the British empire, spread as they were over the whole world; and when he reflected upon the critical and disastrous position of many of those colonies, he felt that the subject was one which well deserved the consideration and attention of Parliament. He wished that topics so wide in scope, and so deep in interest, had fallen into abler and more experienced hands; still he would not shrink from the undertaking; and without venturing to suggest the amendment which the system required, and craving for a short time that indulgence from the House which he so greatly needed, he would briefly endeavour to establish a case why he should move for a Select Committee to inquire into the political and financial relations between Great Britain and her dependencies, with a view to reduce the charges on the British treasury, and to enlarge the functions of colonial legislatures. Remembering the opinions of the Secretary for the Colonies, he was not without hope that he should obtain the support of hon. Gentlemen opposite. The colonies of Great Britain were between forty and fifty in number, and between forty and fifty times as large as the British Islands. Our trade to the colonies took one-third of our exports, and if the exports of raw materials and semi-manufactured articles were thrown out of consideration, our exports to the colonies would equal our exports to the rest of the world. In 1845, the tonnage employed in our foreign trade amounted to 2,250,000 tons, while the tonnage employed in the colonial reached to upwards of 2,000,000 tons. The expenditure in the colonies was 3,372,000*l.* yearly; while the expenditure by Great Britain on account of the same colonies was 3,170,000*l.*, making in all a sum of 6,600,000*l.* in round numbers. The population of the British colonies was reckoned at 5,000,000 souls, whereof 1,600,000 were of British extraction, and the rest were negro and coloured races. It would appear that in Great Britain itself the government of a population of 30,000,000 cost 24,000,000*l.* annually, while a population of 5,000,000 in the colonies cost 6,600,000*l.*, being at the rate of 16*s.* a head at home, and of 28*s.* per head at the colonies. Indeed, excluding the coloured population of the colonies, the charge for government for every colonial British subject would be 52*s.* per head annually. Now, it was a subject worth inquiry, whether some change could not be effected in these matters without parting with our colonies—whether this state of things was not owing to some small, irresponsible, geographical spot in Downing-street. When, therefore, people began to talk of giving up the colonies, it might be asked whether it was not necessary to make some change nearer home. Adam Smith said, writing in 1770—

> "The expenses of our civil establishments in North America, before the commencement of the late disturbances, were 64,700*l.*: an ever-memorable example at how small an expense 3,000,000 of people may not only be governed, but well governed."

Now, the highest possible authority on the subject, Earl Grey said, in the House of Lords, on the 10th of August last, "Colonisation was never so perfect as at the present moment." If, then, colonisation was never so perfect as now, it followed that if 3,000,000 of people were well governed for 64,700*l.* in 1770, 5,000,000 of people might be well governed now for 105,107*l.* But the government of these 5,000,000, in these days of perfection of colonisation, cost not 105,000*l.*, but, taking into the account the imperial as well as the colonial expenditure, sixty times as much as before the art of colonisation was so perfectly understood. The government of a single colony, such as Newfoundland, with less than 100,000 inhabitants, cost as much now as 3,000,000 of people did in 1770; and the one small island of Mauritius, scarcely larger than the Isle of Wight, with a population less than almost any English county contained, cost for its government more than five times the amount required to pay for the government of 3,000,000 people in 1770. Each Mauritian subject was consequently taxed 140 times as heavily as the North American colonist was eighty years ago. The Governor of the Mauritius and of Ceylon each received for their salary alone nearly one-ninth of the whole cost which it took to govern 3,000,000 of souls in days when colonisation was not so well understood as at present; and the salaries of all the Governors of the British colonies came to almost double that amount. He believed Earl Grey was as high-minded and honourable a man as was to be found anywhere, and that his intentions towards the colonies were good; but in his evidence before the Committee on the Miscellaneous Estimates, last year, he found him saying that he thought "that many of the Governors of colonies are exceedingly underpaid, and that, generally, the scale of their salaries is insufficient." He did not blame the noble Earl for entertaining this opinion. He imagined that the duties which it fell to the lot of the Colonial Secretary to perform, were far too heavy for any one individual to discharge properly. The duties which pressed upon the Secretary for the Colonies were of every description, and from every quarter of the world—moral, social, loyal, judicial, penal, political, civil, ecclesiastical, naval, military, ordnance, financial, fiscal, commercial; matters relating to the establishment of new, or the maintenance of old, colonies—to convicts, to pensions, and the rewards of old servants—to places and the salaries of present servants—to the patronage of the thousand and one places at his disposal, and the creation of new offices. Hong-Kong, for instance, which was settled in 1842, had since its establishment as a colony, cost this country above 300,000*l.* He would refer to the opinion of a statesman who delivered his opinion to the following effect in 1845:—

> "The duties of government required in an infant settlement might be discharged by the colonists themselves, who had a stake in its welfare, either gratuitously, for the honour such functions conferred, or at all events for a small remuneration. He hoped they would revert to the ancient and wise policy of their ancestors, and allow the colonists to govern themselves. No doubt they would commit some mistakes, perhaps serious ones; but all experience was in favour of self-government. When he looked at what their ancestors accomplished two centuries ago under this system, and contrasted it with the results of attempting to govern from Downing-street a settlement at the antipodes, he must say experience was decidedly in favour of allowing a colony to govern itself."

This was Lord Howick, who was now Earl Grey. The statesman, who then entertained that opinion, was now the statesman who objected to the adoption of measures for carrying out this principle, because with change of place a complete change came over the noble Lord—*Tempora mutantur et nos mutamur in illis.* His praise formerly was bestowed on the policy of times past—his praise now was all for the present. He then said that 3,000,000 of people were well governed at the charge of 64,000*l.* a year; and he now said that the colonies were never so well governed when they were told that 121,000*l.* was too small a sum for the salaries of the governors alone. The salaries of these officials varied from 7,000*l.* to 800*l.*, and they might be taken at an average of 3,000*l.* a year. The colonies to which Earl Grey referred on the former occasion had charters for their government, which had been given to them during the reign of the Stuarts—certainly not the most liberal period of our history. Some of these charters were drawn up by Lord

Somers, one of the greatest statesmen this country ever had. The charter of Massachusetts might be somewhat democratic, but that of Carolina was almost aristocratic; but they each had the power of managing their own affairs. They at present required that Ireland should depend upon self-reliance. Why not adopt the same principle towards the colonies? At the period when the colonies were well and cheaply governed, there was no Colonial Secretary. It was not until the madness of British statesmen forced this country into war with the colonies, that the appointment of Minister for War and the Colonies took place. That name was well chosen, and the title was most suitable. By war this country lost the most valuable colonies she ever possessed, and by war we took the colonies of others, which we kept less by affection than by threat of war. We kept them within the pale of dominion, but not within the pale of the constitution, for they were governed by arbitrary despatches and orders from the Colonial Office. The statesman who condemned this policy in 1845, continued to govern them under it in 1849. In 1632 the Lords of Charles the First's Privy Council were the first to make a committee of nine members of that board to take cognisance of colonial matters. Afterwards, in 1670—and not in 1672, as Earl Grey stated in his official despatch—King Charles the Second constituted a special and select council for foreign plantations, and for promoting the welfare and preserving the flourishing state and condition of the colonies. Under this council and their own charters the colonies prospered; and when at length we lost them, the two causes which tended chiefly to light the flame—the two causes which tended principally to light the flame in America—were samples of injustice and folly, which are now copied to the letter in some of our colonies by the present Minister of the Colonies. The one was the attempt to levy taxes without the consent of the colonists, which was done annually to the amount of 81,000*l.* in New South Wales, and many other colonies, by means of an enormous civil list. The other was the claim to alter their constitutions without their concurrence, and thus refusing to them the principle of self-government. In 1771, the colonies of North America complained that they were taxed without their consent, and as their complaints were not attended to, they asserted their independence. The same system which was endeavoured to be enforced in our former colonies without their consent, was at the present time adopted towards New South Wales, the Mauritius, Jamaica, and other colonies; for they were taxed with a heavy civil list against their consent. He had presented, on the 26th of last month, several petitions from colonies against a similar attempted invasion of rights. What was this but acting in the way a former Government did towards America, which cost this country the United States in the last century, respecting which Mr. Pulteney, in 1778, said—

> "That there could be no doubt that the two motives which led to the existing contest between England and North America, were, first, the attempt to levy taxes against the consent of the colonies; and, secondly, to alter their constitutions without their concurrence."

And concerning which Mr. Burke wrote—

> "The charters ought not to be altered at all, but at the desire of the greater part of the people who live under them."

He found it stated in a letter from a leading member of the Legislative Council of New South Wales, dated October last—

> "It appears to be the fashion in Parliament, as well by those in office as by the Opposition, to talk about the expediency of allowing the distant dependencies of the empire to manage their own concerns. Almost every act of the Administration belies such an intention. Everything in the Colonial Office appears to be done in a spirit of supercilious despotism, not with a desire to conciliate, but to alienate, the best and most loyal feelings of the colonists."

Now, he would appeal to the good sense of the House, whether it was wise to allow such an opinion to gain ground? He did not ask whether it was fair or just, but whether it was prudent, to propagate a feeling that there were no kindred or common principles of government, of commerce, of society at home, and in the colonies, on which we were to remain united? Was it discreet to encourage a belief that this country tampered not only with their commerce and constitutions, but trifled with their reason, and prevaricated with their condition, and uttered unconstitutional doctrines—to act as if British subjects were to be governed by different rules in different parts of the same dominions of the same Sovereign? These evils arose from the immense accumulation of duties upon the Colonial Minister, and the unconstitutional power which he exercised over the prosperity, the security, and the property of the colonists; and the existence of these evils was prominently apparent in the opposite opinions held by Colonial Ministers. He knew he might be asked, "What rights have the colonists?" The colonists had the same rights as we ourselves have in this country. He did not mean to assert that all colonists, having different degrees of civilisation, could be governed by exactly the same rules as British subjects in this country. That would be as difficult to arrange as it would be to govern by the same laws a city and an uninhabited place; but, on the other hand, they had no right to refuse to British colonists the exercise of any rights which did not interfere with imperial interests, and which resembled those which they claimed for themselves. He was, of course, aware that it was exceedingly difficult for any man to govern a colonial empire so large as that of Great Britain; and he was likewise aware that very different opinions were entertained on this subject by successive Colonial Ministers. The noble Earl at the head of the Colonial Department proposed an arrangement by which certain duties connected with the colonies should devolve upon the Committee of the Privy Council. This was effected by a letter of the noble Earl, dated the 12th of April, 1848. This plan, however, continued, rather than removed, the grievance. This Minute did not state that these duties must devolve on the Committee of the Privy Council, but that they might devolve on that body. When was this to be done, and at whose arbitration? Not at the arbitration of the oppressed colonists who appealed, but at the arbitrary will of the person who was appealed against as an oppressor, whenever he thought fit. And, then, how was this to be done? By the colonists complaining? No such thing; but by the Secretary of State stating only those points upon which he considered it expedient that the Committee should be consulted. Why was this to be done? For the advantage of the colonies? Not at all, but merely for the convenience of the Secretary of State, so as to enable him to take, whenever he thought fit, the responsibility of his acts off his own shoulders. If any doubt existed on the question, he would ask those hon. Members who felt an interest in the subject of the welfare of the colonies to turn their attention for a moment to a point well worthy of the attention of the House. He would ask Government to refer to the evidence of the Colonial Minister given before a Committee of that House last year. In answer to question 6,850 in the evidence taken before the Committee to which the Miscellaneous Estimates were referred, Earl Grey said that the ostensible decision was by the Board of Trade, but actually and substantially it remained with the Secretary of State on his expressing his opinion. It appeared, then, that there was no change, as the decision rested with the Secretary. The noble Earl, in his letter, said—

> "In this proposal I have not suggested a mere innovation, but rather a return, as nearly as possible, to the mode of action contemplated on the original appointment of the Board of Plantations."

He (Mr. Scott) protested against its being supposed that this arrangement was any return to the original plan for the constitution of the board. They also learnt from this letter, and from Earl Grey's evidence in June last, that he proposed to add Sir J. Stephen to the board, to judge of colonial matters, which certainly could not be considered any great novelty or innovation, for it would be going in the same way that they had been for the last quarter of a century; and he doubted whether our colonies would consider the return of Sir J. Stephen to office would be attended with any great advantage. It might be said, then, as it was said by Mr. Pulteney in the last century, that the appeal to the Privy Council was a constant source of complaint. The delay, the expense, the secrecy, the enormous powers of the Colonial-office patronage, which brought cases under the head of prerogative, were calculated to create in the colonies that estrangement which the undue exercise of the powers of the Crown created at home under the Stuarts. He would abstain from expressing any further opinion on these subjects; but would refer to an extract from a despatch of the Earl of Aberdeen, when he was Colonial Minister, which did not, however, refer to the Privy Council, but to another judicial tribunal, where a practice had been adopted of not giving reasons for its judgments. The remarks of the Earl of Aberdeen, with reference to a judge who refused to give reasons for the decisions which he gave, was—

> "If it be really true that the withholding the grounds of his decisions is either the privilege or the duty of any judge in any part of Her Majesty's dominions, it is impossible that such a principle of law could be abolished too soon or too completely. The absolute dominion of the law, as enforced by its judicial interpreter, would be

nothing less than a degrading oppression and tyranny, if they were not compelled to explain distinctly the grounds of every decision they adopt."

If these remarks applied to the case of an individual judge, how much more strongly did they apply to a body like the Privy Council! As an illustration of this, he would take the case of a judge who had been removed, into the particular merits of which he would not however enter, but which showed the secret proceedings of the Privy Council. Mr. Justice Wallis set aside proceedings pronounced illegal; he gained his cause and paid his costs, while the party who lost was ordered to have his costs paid for him. He could obtain no record of the ground of this decision. Again, Mr. Justice Pedder's case also showed the uncertain conduct of the Colonial Office, for he was appointed, suspended, replaced, and displaced, and the colony of St. Lucia had to pay for these various vagaries caused by the vacillating whims and fancies of the supreme dictator. But with regard to public affairs, he did not say that there should not be a veto to the acts of Colonial Assemblies; but it was almost ludicrous to find how and where that negative rested. If it were not serious, it would be ridiculous that the gravest interest of colonies, having been by them debated and resolved and passed, should come to a closet in Downing-street, to be determined by the fiat or veto of an unknown gentleman. If they took the opinion of the noble Earl at the head of the Colonial Office, the mode of proceeding was most unfair to the colonies, for the veto on the acts of the Assemblies was decided in the most light and uncertain manner. The noble Earl, in his evidence before the Committee on the Miscellaneous Estimates last year, stated that the veto upon the deliberations of the Legislative Assemblies was decided, upon the advice of Mr. Wood or Mr. Rogers, by the Secretary of State. Who were these gentlemen?

"Annuit, et totum nutu tremefecit Olympum."

Should the authority which extended from pole to pole be hid up three pair of stairs in a *cul de sac* in Westminster? Such proceedings destroyed confidence, irritated opposition, and created disgust and indignation. It was hardly decent or creditable to this country that matters of the greatest importance to the colonies should be decided at the suggestion of persons who were hardly known to the parties thus affected, and who, at the same time, were altogether irresponsible. He would now proceed to call the attention of the House to the practical inconvenience and the hardship and personal injustice of the mode of keeping and auditing colonial accounts. Great Britain paid upwards of 52,000*l.* a year to 170 persons employed in the Audit Office. A considerable saving might be made by allowing the colonies to audit their own accounts, instead of sending them home to Somerset House, where they lay for years. The accounts of the American colonies, now the United States, were only settled about twenty years ago. Things were not quite so bad now; but still the error of a shilling often occasioned the correspondence of a year and a large outlay before it was disposed of. Another great subject of grievance to which he wished to call the attention of the House, and which was one great evil of our colonial system attendant on the present plan, was its constantly-changing policy. In ordinary times the action of Government was less required to control men, than with steady policy to direct business and to guide commerce into productive and permanent channels. Before and since the time of Earl Bathurst, the average tenure of office of a Colonial Minister had been eighteen months; and in the last four years they had had imposed upon them four new Secretaries and four fresh Under Secretaries in the Colonial Office. Latterly they had seen still greater changes in the office. The colonies not only changed their chief rulers every year or eighteen months, but that master changed his own mind every six weeks, and the orders sent to the colonies were revoked by himself before they could come into operation. For instance, the despatch affecting the social condition of Canada was sent out and revoked within a month. The constitution for New Zealand was sent out and recalled within the year. The Governor, not knowing what to do, in the meantime acted upon it in one island, while he entertained doubts as to whether he should adopt it in the other. He would not further allude to the settlement established in North Australia, further than to observe, that this country was saddled with 15,000*l.* for this vagary. Transportation to Van Diemen's Land was adopted, then it was abandoned, then resumed, to be again abandoned, and since to be resumed in an altered form. A constitution which proved a misfit was sent out to New South Wales, and was now reported to have been only a sample, a pattern not meant for wear, and only sent out as a joke. He might add another of the same sort, which was sent out to the Cape, and which was equally as bad a fit, and of as little comfort to the intended wearer. He remembered hearing of the noble Earl, in 1830, sending shoes to the negroes, and razors to men who had no beards; but this was worse; and this cup-and-ball practice, this battledore-and-shuttlecock play was poor fun for the unfortunate colonies. A signal instance of this perpetually shifting policy was to be found in the ruinous land system pursued in Australia, whereby the settlement had been injured, capital had been consigned to bankruptcy, and enterprise converted into depair. In a very few years the Colonial Office, not only without but contrary to the advice of every governor, as well as of every other person possessed of colonial information, had perpetrated nine principal, and committed in all seventy minor changes, each change altering or affecting the article of the greatest importance in the colony. He had heard in that House the question—what was a pound? But in New South Wales nobody could tell what was an acre. In a few years there was the disposition of land—first, by free grants; second, by sales at a fixed price; thirdly, by sales by auction; fourth, by auction with a minimum of 5*s.* per acre; fifth, by auction, with a minimum of 12*s.* 1*d.*; sixth, with a minimum of 20*s.* an acre; seventh, occupation was to be by tenancy at will under the Crown; eighth, occupation was to be by annual license under the Crown; and ninth, by occupation by leases for fourteen years. At last the Colonial Office came to a stand on this question. In vain every governor remonstrated that they had taken their stand on the wrong place—in vain every governor in every colony protested against the course that was being pursued, as being absolute destruction to the colonies—in vain did eight or nine Committees expostulate and demonstrate the error and the folly of persisting in such proceedings:—

> "Sic volo, sic jubeo, stet pro ratione voluntas,"

was the conciliatory characteristic reply.

Lord J. RUSSELL said, that some of those changes were made by Act of Parliament.

Mr. SCOTT: That might be the case; but the evil was not the less. The fact was, they could not blame the Colonial Minister. It was impossible that he could be responsible for all that was going on. The great evil was in the erroneous policy on this subject. The mere opening of the despatches, the occasional composition of didactic and moral essays, for the diffusion of sentences and the confusion of ideas, and misnamed despatches, was sufficient for any man, "be his talents and industry," as Lord Howick had said, "what they may;" to say nothing of the distribution of the patronage to the hordes who were quartered on the poverty of the colonists by the Colonial Minister, in the shape of treasurers, auditors, secretaries, surveyors, &c. The worst misfortune was, when the Minister had a crotchet or favourite theory which was to be worked out at the expense of the colony, as was the case in the land question and others. But this land crotchet had worked most cruelly in Australia, as he should have occasion to show. Notwithstanding this, the Emigration Commissioners in their fifth report, had the assurance to assert that—

> "all the facility and certainty in the acquisition of land existed which might be expected from the provisions of the Land Act in the Australian colonies."

This was asserted when land was ten times the price in these colonies that it was in the United States. It had been stated on a former occasion, that Great Britain had given free institutions to her colonies. No other country had such free institutions to give as England; but the power vested in the colonial representatives resembled that which existed under the constitution of Great Britain, about as much as the institutions of Russia or Turkey resemble those of England. He might be told that the charters of the colonies were counterparts to the constitution of Great Britain; but his reply was, that they were mere counterfeits. Canada, by rebellion, obtained a form of government not, perhaps, altogether to be admired; but by tumult it gained the power of self-government. Did the Colonial Office desire to produce the same effect through the same means? Some had representative chambers, with a greater or less power of choosing representatives. In many, the non-elected members were literal nominees of the Government, who vitiated or neautralised the independent opinion of the chamber by their undue preponderating influence. Here he would warn the House against the irritating system of attempted control, by reminding them that one of the earliest, if not the first, cause which led to the American war, was the refusal of Sir E. Barnard, the Governor of Massachusetts, to admit into the representative chamber a member against whom he had an objection. In many of the colonies the chamber was useless. The executive power was totally independent and irrespective of majorities, and the Government sat as safe and absolute as if the same rule prevailed here. The noble Lord at the head of the Government could, under such a system, continue as firm in that House with only a score behind him, as if he had 400 to support him. The apparent indifference of that House to the interests of the colonies, had created the greatest dissatisfaction in them. How could they expect that all the North American colonies would be satisfied, when they found that responsible or independent government existed in Canada, while a neighbouring colony was governed by a bureaucracy who held the public offices there, not only independently of the Colonial Assembly, but also of the Governor himself? In this instance the Governor of the colony was subject to what was called a family compact. This was the case in the colony of Prince Edward's Island. He found that in that colony one gentleman, Mr. Haviland, held no fewer than ten offices of responsibility, emolument, and trust, which were these —1. Secretary; 2. Registrar; 3. Member of Executive Council; 4. Clerk of Executive Council; 5. Clerk of Legislative Council; 6. Accountant General in Chancery; 7. Master in Chancery; 8. Registrar of the Admiralty Court; 9. Puisne Judge; 10. Naval Officer, a sinecure of 150*l.* a year from the imperial treasury. Mr. Henry Haviland, son of the former, was provost marshal, with 100*l.* a year from the imperial treasury. Then, in the same colony, Mr. Pope, the son-in-law of Mr. Haviland, held no fewer than six offices, namely — 1. Speaker of the House of Assembly; 2. Commissioner of Roads; 3. Commissioner for taking Acknowledgment of Deeds; 4. Deputy-Receiver of Land-tax; 5. Sub-Collector of Customs; 6. Collector of Import. The same gentleman was a magistrate; and it was almost needless to say that Mr. Haviland and Mr. Pope opposed responsible government. The right hon. Gentleman the Chancellor of the Exchequer said in March last—

> "Nothing contributed more to the stability of our social and constitutional system than did our habits of self-government. Self-government was an advantage for which we could hardly pay too high a price. To attempt to undermine this would be to inflict a blow, not only on the prosperity but on the peace and happiness of this country, which they would rue to the end of their days."

And the Earl of Ripon, in his circular despatch, dated the 5th of November, 1831, said—

> "We should ever bear in mind the propriety of uniting together by a general law settlements which are parts of the same empire, and which are deriving their white population, their language, and their commercial capital from Great Britain."

When such sentiments as these were avowed, he had a right to expect the support of Gentlemen on the other side to this Motion; and he did not see how those rights for which we ourselves contended could be withheld from communities which were civilised, and capable of governing themselves. But the bureaucratic or Crown colonies were governed by instructions from Downing-street. In all of them the enormous amount of reserved civil list placed the Government independent of any vote; and the question of supply — the keystone of political freedom—was denied to the colonists. The noble Earl at the head of the Colonial Department recommended that a wide discretion should be given to the governors. That might, no doubt, be advisable if we were to govern the colonies on the Turkish principle of pachalics, for the more widely they deviated from their instructions, the more wisely and successfully did these proconsuls administer their provinces. But would it not be wiser to give a wider discretion to the governed, and instead of requiring British subjects to obey satraps, to teach them to administer their own affairs in the spirit of the British constitution? The assemblies could not be said to deliberate while they were controlled by the votes of nominees; nor could a chamber, though called representative, be said to represent, while composed as these were, the voice and intelligence of the people. Nor could colonial government be assimilated to the British constitution without an upper chamber. He did not despair of seeing an upper chamber in time, formed of more permanent materials, and which would guide the counsels and elevate the tone of society in our rising States. It had been the intention of Mr. Pitt to create such institutions, as was shown by his Quebec Bill. Why were there no inducements for rank, other than official rank, to settle in our colonies? Ancient Rome sent forth her patricians to her colonies; Spain and Portugal sent out their nobles. Why should this country alone raise up communities of democrats and republicans, who would seek to throw off the thraldom of this country—for thraldom they regarded it? If England had regarded the colonies as rising States, of whose power she had cause to be jealous, the measures of the Colonial Office could not generally have been better calculated to limit their progress, republicanise their feelings, and estrange them from Great Britain. This was especially to be seen in the case of colonial expenditure. The amounts paid by the colonies and for the colonies were alike enormous. Three millions sterling wrung from struggling settlers, the first-fruits of their enterprise, or from languishing proprietors, the last fraction of bankruptcy; taxes imposed on industry, and exacted out of capital—these were not half the results of our system of colonial expenditure. If the financial condition and the commercial condition of our colonies were considered together, the picture was not much less gloomy. The noble Earl the Colonial Secretary had contrasted the progress of our present commercial intercourse with the colonies with that of a former century, but the comparison was anything but happy. Here, however, he must say, that he had no intention of alluding to the noble Earl personally, but only as the administrator of a pernicious system. Mr. Burke, in 1775, in his speech on conciliation with America, showed that the exports to the colonies had increased since 1704 from 569,930*l.* to 6,024,171*l.*, being in the proportion of nearly eleven to one. At the time Mr. Burke spoke, the whole commerce of the country amounted to 16,000,000*l.*, so that the trade to the colonies, which in the first period constituted only one-twelfth of the whole, had increased to considerably more than one-third. Now, in August last, Earl Grey had called attention to the wonderful fact, that the exports to Australia had increased twelve-fold in seventeen years, or at the rate of forty-eight fold in sixty-eight years. But even the most rapid progress of Australia, owing, as Earl Grey had justly stated, to the enterprising spirit of the people, aided by modern science and improvements in navigation, did not equal or exceed that of Pennsylvania, which increased from 11,800*l.* to 507,900*l.*, or nearly fifty-fold, in sixty-eight years. If a steady and fostering hand had aided not only the Australian but our other colonies, their wealth and production would have been far greater than they now were. But the principle of the rule of the Colonial Office was adverse to colonial interests, and as if the recent changes in commercial policy were not sufficiently injurious, the Colonial Office literally imposed extravagance upon indigence. This was especially so in the case of the sugar-growing, or, as they had better be termed, our bankrupt colonies. The case of one was nearly that of all. Jamaica, Barbadoes, St. Vincent, all were depressed; and in almost all the expenditure exceeded the income. They begged for economy and retrenchment, but England objected on the score of expense. Why, economy, next to liberty, was the shibboleth of hon. Gentlemen opposite. The Minister for the Colonies was the patron of economy, and yet he refused to allow the colonies to retrench. The spendthrift asked permission to reduce, but the economist refused his consent. In British Guiana it had been agreed to reduce the salary of the Governor, but the Minister refused. The Secretary was only entitled to 700*l.* a year; but the noble Earl the Colonial Secretary, generous with the money of other people, awarded him 1,500*l.* Commerce and enterprise were literally weighed down by taxation. Lately it had been remarked that in Ceylon commerce of the value of 600,000*l.* was mulcted (he could use no other term) to the amount of 408,000*l.*, while the civil list sanctioned by the Home Government amounted to 236,000*l.* In the Mauritius, commerce amounting to 1,000,000*l.* was burdened to the extent of 360,000*l.*, being at the rate of 2*l.* per head. In Guiana the taxes were 273,000*l.*, or 2*l.* 6*s.* per head; while the civil list was 39,000*l.*, in which a reduction was promised, but the promise was broken. In Jamaica the trade was decreasing, and the debt increasing. The colonists there desired retrenchment, and they had complained of the civil list and of a Governor for an attempt, first, to evade the retrenchment, and then to evade the complaint. The Assembly of Jamaica now objected to grant the supplies until retrenchment was effected, and passed a Bill granting them to February; but on engrossing the Bill the time was extended to December, and the Assembly were alarmed and irritated at the surreptitious alteration. The trade of the island had sunk one half: the adverse balance upon exports of only 894,621*l.* was 395,293*l.*, and with a revenue of 190,700*l.*, the expenditure in October last amounted to 239,695*l.* The supplies were voted on condition of retrenchment; but the Governor prorogued the Assembly in order to obtain the supplies and get rid of the condition. Jamaica, oppressed and impoverished by the counsels of her rulers, and the country to which she belonged, desired a system suitable to her present condition; but economy was under the control of the Minister, and was denied. The commercial policy of this country pressed heavily upon the island, yet the Minister for the Colonies incapacitated her from bearing the pressure. The Governor received a salary larger than that of the Prime Minister, but a reduction was refused. The policy which reduced the finances refused to reduce the expenses, thus inducing the belief that the Government cared more for the patronage of the Governor than for the poverty of those he governed. The catalogue of complaints and distresses was long; the list of redresses short. The hon. Gentleman the Under Secretary for the Colonies would probably challenge opinion as to the liberality of the Colonial Office towards the colonies. Not a colony but would rejoice to accept the challenge, and enter the lists with him. He claimed the support of the hon. Gentleman, who the other evening exhibited so much jealousy respecting the local control of expenditure, and who applauded the constitutional sentiments that had been expressed by the right hon. Gentleman the Member for South Wilts in March last, to the effect that "nothing was more unsound in principle than that expenses should be ordered and authorised by persons who had not themselves the management and control of the expenditure." But the whole colonial system was exactly one of centralisation. Berbice, Demerara, Tobago, had all drawn up petitions setting forth their deplorable condition, and complaining of their civil lists; they urged that governors were quartered upon them like Verres upon Sicily, to extort large exactions from their poverty, rather than to foster and protect them. So likewise the Mauritius, first ruined by our laws, and then oppressed by taxation, had had its loyalty sorely tested. Yet, not questioning the supremacy of the British flag, and being a part of the empire, it sought for constitutional liberty, and a reduction of its enormous expenditure, complaining, not of the Legislature, but of the Colonial Office. Ceylon, driven to insurrection by harsh imposts, was chastised into submission by sanguinary executions. Mr. C. Buller, whose premature loss the colonies and England alike deplored, when connected with the Colonial Office, felt that the system paralysed all efforts for good, and, like one struggling with the storms of fate, lamented that he had incurred responsibility without the power of action. Why was it that, since the Colonial Office was established on its present footing in 1766, not one of the colonies acquired from foreign Powers since that period had obtained responsible government? Why do we always keep the chain about their necks, and, calling them Crown colonies, never let them forget that they are ours by force, and not by affection? The hon. Under Secretary boasted of his liberal government. He assented to the proposition of responsible government in the colonies, but the acts of the Colonial Office did not square with these professions. "The voice is Jacob's voice, but the hands are the hands of Esau." Insurrection and rebellion were the channels to the favour of the Colonial Office; and two millions of money was the stamp duty, or fee, which Downing-street exacted from the British public before it would consent to grant responsible government to a colony. If this were a correct picture of the effects of our present perfect colonisation on the material or mercantile interests of many of our colonies—its effects on the social condition of dependencies by nature suited to the settlement of British subjects and on the organisation of rising States were equally deplorable. When exercised by ministerial favour, and where office alone conferred rank or position in society, there could be no independence. Station by virtue of holding office, especially in remote and small communities, was apt to engender a haughty demeanour to those who were excluded—namely, to the colonists, and a servility to superiors. This was peculiarly apparent in the Australian colonies. The settlers being tabooed as unfit for any office above 300*l*, a year, the pursuit of wealth became their only business, and its possession their idolatry. They were not settlers; they were merely gold seekers. The Government would not allow them a permanent interest, by reason of the absurd price it placed on land—a price equal to four or five times the price of land in the United States. He should much like to know how much country land the Government had sold of late years in Australia. The urban and the mining lots comprise almost the whole sales. There were comparatively no gentlemen permanently settled in Australia; the few who had temporary interests returned as soon as they could realise their capital. The noble Earl was in error when, in August, he created an impression that there existed a proper distribution of the grades of society. He quoted from a despatch of the late Government six or seven years ago. It was true that there then went out some of the best blood of the three kingdoms—the Cliffords, the Petres, the Wrottesleys, Trevelyans, Verners, and Mackenzies. But where were they? What were they now? Were they settlers? They had never been allowed to settle. They went out under the double delusion that they might have some place in society—that, perhaps, they might have some voice in the Government. They went out with hope; they returned in disgust. If they went out with money, they had returned in poverty. There was no such thing to be found as a happy settler. There might be fortunate speculators; and the Colonial Office, being the obstacle to colonisation, was the real cause of the low tone of society. No means to colonise were afforded to the poor; no inducements were extended to the rich to settle. There was absolutely no middle class, no yeomen, no middle men—there was no framework, no cement, no order of society. Government was everywhere to interfere, but nowhere to protect. The finger of Government interposed viciously and feebly from a distance. Hesitation referred back to ignorance, and in the meantime the colony fretted and suffered. The Colonial Office was weak as it was arbitrary, and arbitrary as it was blind. Feeble and vacillating as it was here, it was omnipotent in the colonies; and, itself being blind, all its work was done in the dark. Why was this so? From an attempt to reconcile that which it was impossible to harmonise—the profession of freedom with the practice of despotism; the arbitrary rule of foreign centralisation with the liberty of British subjects; permission given to communities to raise, while they were denied the power to apply, their own money; official rank giving position to a few, but money the sole pursuit of the many; real property retained in the hands of the Government, society necessarily composed of speculators; capitalists, too wise to make permanent investments, and gambling for the quickest return of money. Such was the perfection of the model system of colonial government. The Colonial Office assumed much credit for emigration; but it was absolutely entitled to no credit whatever, and deserved censure rather than praise. The emigration circular stated that nearly 2,000,000 had gone out in twenty-four years. But where had they gone? Not to our colonies; for altogether they did not contain 2,000,000 of British people. The largest and an increasing proportion had gone to the United States. When those States became independent, they contained 2,000,000, and they now contained 18,000,000. All those who were able went not to our colonies, but to foreigners. Emigration to the United States in twenty-four years had risen from forty to sixty per cent, and last year to seventy-six per cent, of the whole number — namely, 188,000 out of 248,000; being, in one year, equal to the whole population of New South Wales. Earl Grey, in a despatch to Sir Charles Fitzroy, maintained that the system must be good which in ten years raised one million sterling, and added 50,000 souls to the population. If one million sterling abstracted, and 50,000 persons added, be a good system; that which retained eighteen millions sterling, and added 500,000 British subjects to the population, must be nineteen times as good as regarded money, and ten times as good as regarded population. Such was the system of emigration to the United States, carried on in despite of our Government. It would be well to remember the haphazard emigration to Canada, which cost a million, and in which 15,000 or 16,000 persons died in one year, on the passage or on landing. And the emigration to Australia, of which the Colonial Office boasted, and which was more than others under Government control, had been as faulty and extravagant. It was unjustly carried on at the sole cost of the colony, and the expenditure had never been audited or examined. It involved almost a misappropriation of funds, sums having been thus unduly abstracted from the colony which might have been available for public works. Passing from this subject, he would refer, in the next place, to that of convict transportation. Convict transportation had, in various colonies, been joined with free emigration; and convict servitude being mixed with free institutions had tainted colonial society. He did not lay all the blame of this upon the Colonial Office; but he blamed the system. In one colony three-fourths of the adult population were, or had been, convicts. It appeared to him that on this ground alone the present was a time for a serious inquiry. Complaints were made in England of the expense of our armies; and it was urged in reply, that the extent of our colonial empire, and the severe duty it involved, rendered the maintenance of a considerable military force absolutely necessary. Why, 50 out of the 112 battalions in the service were employed in the colonies. There was no doubt that colonial service killed our troops. The War Office required force to counteract the mischief of the Colonial Office; in other words, the Colonial Office killed the War Office. The system pursued obliged the War Office to send out troops which might be disbanded or sent home, if the colonies were governed well; in short, the best economy and the surest means of reducing our military expenditure would be to reduce the establishment of the Colonial Office. In some instances the number of troops sent out was absolutely useless for defence. Why send to New South Wales only a single regiment, which had to do duty over a country of 1,400 or 1,500 miles? Might it not be worth consideration whether some arrangement could not be made for the organisation of a local militia, by requiring those who obtained free or partially free passages to enrol themselves for militia service when called upon, or some plan adopted similar to that of Russia in her military colonies? He did not wish to depreciate the value of our garrison colonies. They were as requisite to our dominion as to our strength. They were the *propugnacula imperii*, which enabled us to obtain those garrisons: it was their possession which enabled us to retain the empire of the sea. But they were not colonies, strictly—they were, rather, military stations; and surely the Colonial Office had enough to do, without interfering in their management. They cost one million annually. He did not undertake to say whether this amount was excessive or insufficient; but he thought the warmest advocates of economy hardly desired to hand over Gibraltar or Malta to France or Russia, though one cost 226,000*l.*, and the other 140,000*l.* per annum, in addition to their own revenues of 100,000*l.* each. These places, being great military positions, ought to be under military command; but the appointment of the Lord Mayor of London to be commander-in-chief at the Horse Guards could not be more inappropriate and preposterous than the appointment of Mr. More O'Ferrall as Governor of Malta, with a salary of 4,000*l.* or 5,000*l.* per annum. No doubt Mr. O'Ferrall could sleep well with the keys of Valetta under his pillow; but why not appoint a military man to be the governor of such an important military station? The hon. Gentleman opposite, the Under Secretary for the Colonies, had, at a public meeting, challenged the whole world to show a system of colonisation so successful, so effectual, and so beneficial in its results as that of the British empire. If by this was meant the system by which we had lost some of our best and most important possessions, the system had been most successful. We had acquired others from foreign Powers; but what had the Colonial Office to do with the capture of Canada, Trinidad, Jamaica, St. Lucia, British Guiana, the Cape, Mauritius, Ceylon, Gibraltar, Malta, and the Ionian Islands? Had the Colonial Office deserved any credit for retaining these places? Look at the "successful and effective" result of the latest attempt at colonisation. Within the last few months—indeed, the ink was hardly dry—there had been given up a large and rich island, the island of Vancouver, to a company not likely to make the least use of it. That island had harbours, coal, and other productions likely to be of incalculable advantage hereafter; but all had been surrendered to a company whose interest lay not in peopling but in depopulating it, and whose profit arose from keeping the land free from people. Another instance was New Zealand, upon which, since 1841, nearly 200,000*l.* had been spent. New Zealand, from the means that had been taken, ought to have been the most successful colony of all. It was advocated most strongly by the noble Earl now at the head of the Colonial Office; and, for a long time, the hon. Gentleman the Under Secretary for the Colonies was a director of the New Zealand Company. [Mr. Hawes: Not a director.] He had been very much misinformed if the hon. Gentleman had not been a director of the Company. He had been so told by the Secretary of the New Zealand Company, who said he was sorry the hon. Gentleman was no longer a director. [Mr. Hawes: He is quite mistaken.] He admitted that his informant was mistaken. They boasted, however, of the success of New Zealand, and repudiated military expenditure. Why, military expenditure had been the very life-blood of New Zealand. It had subsisted on the Commissariat expenditure alone up or nearly to the present time. After this, he was sure New Zealand had a poor chance of being urged in defence of this country's system of colonisation. Crime might be transported, and poverty shovelled out, and this might be called colonisation; but was it the most successful system of colonisation the world had ever seen? When the hon. Gentleman boasted that the policy pursued had been not only successful but beneficial, he would ask him whether he alluded to the present state of the West Indies? Were they to look for its effects in the bankruptcy, the disgust, and the disaffection visible there—in the feeling that bad faith had been kept? None of those colonies had at present the benefits of the constitution of this country. Loyality, however, existed there. He believed the Queen had no more loyal subjects in her empire; and if disaffection, not amounting to disloyalty, did exist, it was in consequence of a feeling that the trust reposed in the Colonial Office was not exercised towards the colonists with that advantage and prudence which they had a right to expect from the mother country. It was said the colonies were expensive; the colonists threw back the complaint, and said we were unjust. The House might depend upon it, that if relief was long delayed, Her Majesty's sceptre, instead of being extended over a well-affected and truly-cemented empire, would sway only a disunited dominion, because the affections of the best portion of colonial subjects would be alienated. The hon. Gentleman concluded by moving—

> "That a Select Committee be appointed to inquire into the political and financial relations between Great Britain and her Dependencies, with a view to reduce the charges on the British Treasury, and to enlarge the functions of the Colonial Legislatures."

Mr. HUME seconded the Motion.

Mr. HAWES: The House, I am sorry to see, does not appear to take that interest in this important question which I, for one, should desire—[*At this time there were scarcely forty Members present*]—but the hon. Gentleman, I think, must take the blame to himself for having proposed a Motion upon which I hardly think he can seriously intend to take the sense of the House, namely, a Motion for a Select Committee to inquire into the political and financial relations between Great Britain and her forty-three dependencies—a duty, I apprehend, quite beyond the grasp of a Committee, and the termination of which no Member of the present House of Commons could certainly ever hope to see. On this ground I shall give a decided negative to the Motion of the hon. Gentleman; not that I undervalue the importance of the subject—not that I think that a Select Committee with reference to particular colonies might not occasionally be most usefully appointed; but because it is perfectly impossible for a Committee of this House to discharge functions so great and various as those which the hon. Gentleman would impose upon it. But this will not prevent my entering into a discussion upon this subject, and I enter willingly into it. It is not discussion upon colonial policy or colonial affairs that I dread, but it is the ignorance of the public, and the misrepresentations that are constantly being made of our colonial policy, and the state and condition of our colonies, that I wish to guard against, and apprehend most from. I will take this opportunity to glance briefly over what I will venture to call our colonial system. I do not pretend to say that it may not be susceptible of improvement and alteration. Far from it; but I desire to place before the House, as accurately as I can, in a short time, a knowledge of what our colonial system is. Certainly the hon. Gentleman's speech has thrown no light upon the subject. He has retailed a good deal of the ordinary misrepresentation respecting the Colonial Office and our colonial system; but he has pointed out no one single remedy—he has enunciated no single principle on which he would venture to act with the view of improving the existing system—he has suggested no one modification or reform. Now, there are various forms of government existing in the different colonies of this empire. There are those colonies that enjoy representative government, together with what is called, popularly, responsible government. By that phrase I understand—and I believe it is the only correct interpretation of it—that the executive council or administration of the Governor is dependent on the majority of the House of Assembly. Wherever that form of government exists, then, representative government is combined with responsible government; and that, I hold, is the most perfect system. Such is the form established in Canada, New Brunswick, and

Nova Scotia; and I may say, that in Prince Edward's Island and Newfoundland it is gradually establishing itself unobstructed by interference from any quarter. What, then, retards its progress? The hon. Gentleman seems to think that it is in the power of the Colonial Office to confer at once a perfect system of government upon a colony. Why, the condition of a good constitution is the existence of a certain amount of population and of intelligence. Without that, you may prematurely and injuriously confer liberal institutions upon a colony. But this condition in some of the North American colonies is fulfilled; and in Canada, New Brunswick, and Nova Scotia especially, you have at present the most perfect system of colonial government. The Crown, undoubtedly, does sanction formally all colonial laws and acts; for it is the connecting link between the Crown and the colonies; but as regards these colonies a veto or disallowance is rare. The principal subjects which occasion any collision at all, if I may so speak, are connected with trade and commerce only; and I am sure the House will see that it is of the utmost importance that the Crown should retain the power of establishing something like a uniformity of principle between the mother country and the colonies, in respect to acts relating to the trade and commerce of the empire. If we are to carry out our views of commercial policy, I know nothing of more importance than that we should endeavour to bring colonial and imperial laws into harmony upon that subject. But there are other forms of government existing, which may be considered representative governments, and are such strictly, in which the element of responsibility very imperfectly exists, and perhaps for some time cannot be admitted. It is the case very generally in our West Indian colonies. There, what is called responsible government, does not exist; and there are many reasons why it is impossible at the present moment that it should be introduced. But again I say, to this form of government there can be, and there is, no objection in point of principle on the part of those who administer our colonial affairs. All the representative bodies in our West Indian colonies, however, possess considerable power. They have an entire control over their expenditure—they annually vote the supplies — itself a highly important privilege. Take the case of Jamaica at this moment. The Crown never interferes in the taxation or the expenditure of that colony. The Assembly raises its own taxes, and expends them under its own authority and superintendence. I scarcely know an instance of any direct interference of late years in Jamaica, or in any of the chartered West Indian colonies, upon the subject of taxation and expenditure. In the case of Trinidad, a Crown colony, the revenue fell far below the expenditure. The Governor, a man of singular disinterestedness and ability, proposed at once to reduce the cost of the establishments. Was there any objection interposed on the part of the Colonial Office? None. The proposal was immediately assented to, because there was a clear and sufficient ground shown for a diminution of the expenditure. The hon. Member for Berwickshire also alluded to Guiana. I am prohibited in a great measure from considering the condition of that colony, because it is now under the consideration of a Committee; but I may say that Lord Grey has stated his perfect willingness to reduce all the salaries there as vacancies occur, and that he has not expressed any indisposition to reconsider the cost of establishments there, if the subject is legitimately brought under his consideration. I state these facts in the presence of the right hon. Gentleman opposite the Member for the University of Oxford, who knows as much as I do upon this subject. But there is a material difference between Trinidad and Guiana; because in Trinidad there is no civil-list ordinance, whereas in Guiana a civil list was volunteered by the colony in 1844, and they guaranteed to certain public officers salaries for ten years by an Act of the local legislature sanctioned by the Crown. It must be remembered, moreover, that the franchise in the West Indies is not extensive; that the persons returned to the houses of Assembly do not represent the whole population; that they are, in point of fact, oligarchical bodies. [Mr. Hume: So are we here.] Well, if the hon. Member for Montrose wishes to extend the franchise in the West Indies, he will find a very great indisposition towards such a measure on the part of the colonists themselves. Those bodies represent a few merchants, and in many cases absentees exclusively. In Guiana they vote by proxy, and the owners of property here vote for the election of representatives there; some persons holding as many as fifteen or twenty votes. These bodies, therefore, are not, properly speaking, popular and representative bodies; they are bodies representing interests and concerns over which it is necessary that the Crown should exercise a certain control. Wherever you have a class long dominant, and a race long subject, and wherever the disproportion between the two is great, with the popular assembly, as it is called, representing only the dominant class, it is obviously necessary and just and useful that the Crown should be an arbitrator and moderator between these two parties. That is generally the case in all the West India islands, and therefore I contend that it is useful and just and sound policy for the Crown to retain that power in those colonies. But there is very little interference with colonial legislation. I remember, on a former occasion, referring to a return which I had had prepared upon that point, and which showed, if I recollect rightly, this result: that out of 912 local ordinances, only 55 were reserved for consideration; those 55 being chiefly acts relating to questions of purely practical administration, such as the registration of births, deaths, and marriages, doubtless of great importance to the colonies, but to the consideration of which the Home Government could bring a degree of experience and knowledge which might be most beneficially applied. Now, with regard to the interests of the emancipated classes in the West Indies, I say it is just and right that the Crown should retain a certain power over the legislation of those colonies, and that that must be the case until the masses advance faster than they are likely to do, I fear, in intelligence and information. There have been many collisions upon this subject between the planters and the Colonial Office. It is not for me to say that the Colonial Office has been always right, and the planters always wrong; but neither can I say that the planters have been always right, and the Colonial Office always wrong. But the Colonial Office had a high duty imposed upon it. It had to watch over the interests of the great majority of the population of the West Indies; and it was a duty which it could not shake off without abandoning the most defenceless and weakest class of Her Majesty's subjects in those colonies. I now pass on to what are called "Crown colonies." The government in these colonies varies. Some of them are governed by a governor and council, the council consisting in some cases solely of official members, and in others of official and unofficial members enjoying certain powers and privileges under royal instructions. The Colonies, for instance, with a council composed of official and unofficial members, are the Australian, the Cape of Good Hope, New Zealand, Mauritius, and Ceylon. I should except New South Wales, because in that colony, 26 members out of the 36 who compose the council are elected by the people, and the governor has not a majority in the council. A popular election, in fact, of the representative body exists in New South Wales. I was certainly surprised to hear the hon. Gentleman speak of the interference of the Government in that colony. I believe he referred to questions relating to the regulations for the sale of land. That question had been settled by Act of Parliament. The Colonial Office had nothing to do with it; and I remind the hon. Baronet the Member for Southwark of it, because he was one of the ablest and most constant supporters of a fixed minimum price. Perhaps my opinions upon that point are rather heretical. Still the measure was forced upon the Government by this House, and ultimately it was embodied into an Act of Parliament by the especial friends of colonisation. If, therefore, there has been a degree of interference in New South Wales, in reference to the sale and distribution of lands, the House, and parties in the House, are responsible for it, and not the Colonial Office. There are, however, other Crown colonies where the council is composed alone of official members. They include a class of minor colonies, our African settlements—Hong-Kong, Malta, and Gibraltar, which partake more of the character of military stations than of colonies. Now, I will here state the result of our colonial system, and it will appear striking. We have 43 colonies, and not 50, 60, or 70, as has been variously stated; 27 of these have representative institutions, some in a higher degree of perfection than others, no doubt, but the whole have representative institutions, including Canada, New Brunswick, Jamaica, Antigua, Barbadoes, and all the minor West Indian colonies. I should explain, however, that when I say twenty-seven have representative institutions, I place under that head those which will be included in a Bill which I hope to be able in a short time to lay before the House with reference to our Australian colonies. I also include the Cape of

Good Hope, where the principle has been conceded.

Mr. GLADSTONE: How many are there in which they actually exist?

Mr. HAWES: Will you take New Zealand for one?

Mr. GLADSTONE: No.

Mr. HAWES: You exclude New Zealand. Well, twenty-two have representative institutions at this moment, more or less perfect. In this number I include British Guiana, and New South Wales, and the Ionian Islands, together with the West Indian colonies I have referred to. To the Cape, and to the remaining colonies in Australia, namely, South Australia, Van Diemen's Land, New Zealand, and Western Australia, conditionally as regards the latter, the principle is conceded — making twenty-seven colonies possessing, or about to possess, the privileges of representative government. In the case of New Zealand, provision is already made by Act of Parliament for the establishment of representative government. It has been suspended, I think, for good and sufficient reasons. New South Wales, as I have stated already, enjoys the full practical benefits of this form of government. An alteration was certainly at one time contemplated, and Earl Grey having candidly communicated to them what he considered a good constitution, and the Legislative Council preferring to retain their present constitution, Lord Grey immediately acceded to their wishes, and the new constitution of New South Wales forms the basis of the Bill which I shall soon submit to the House. Van Diemen's Land will also have the same form of government; and Western Australia, as soon as it can take upon itself to conduct its own government without aid from Parliament. British Guiana is, in point of fact, a colony having a representative government, very imperfect—very defective, I fully admit, and I should hope that out of its present troubles may come a better and a more liberal constitution. With regard to the Ionian Islands, there they have a representative government. It is, however, very complicated, founded upon the Treaty of Vienna. Still it is a representative constitution, and the present Governor has suggested improvements, to which no objection in principle has been made. Sixteen colonies, then, remain, not possessing representative constitutions. I take, first, Trinidad; and I think it would be difficult for any one satisfactorily to settle a form of constitution in the present state of its population, in which the whites are a small minority, and the coloured population constitutes so large a majority. With regard to Heligoland, St. Helena, and our African colonies, few, I think, would advocate representative governments in them. Ceylon and the Mauritius have been mentioned. With regard to Ceylon, I ventured to say upon a former occasion that it would be quite impossible to establish a representative government there, with a population of a million and a half of Asiatics, and only 4,000 or 5,000 Europeans, if, indeed, the residents amount to that number. I apply the same remarks also to the Mauritius, where, undoubtedly, more favourable elements exist; and I hope that the institutions of that island may be improved by the introduction of municipal institutions as the basis for future representative institutions. And thus, looking over our colonial empire, we have forty-three colonies, of which twenty-seven either possess representative institutions, or have had them already formally conceded by the Secretary of State. Throughout the whole of them you have a free press, without exception. You have trial by jury; and in those possessing representative institutions, they have the entire control of the purse. As an Englishman, indeed, I must say that I look with pride upon our colonial empire, as one which, in my opinion, contrasted with any other colonial empire, ancient or modern, reflects honour and credit upon this country. I cannot help complaining that I have been much misrepresented by the hon. Member for Berwickshire, who has represented me as defending every act of colonial administration. The words I used were these:—

> "Now it was not for me to presume to defend all the errors and defects which might in past times have characterised the colonial system; but this I do say, that the colonial policy, taken as a whole, is the most successful and beneficial ever witnessed."

I adhere to that. I do not believe you will find another instance in which any nation has so freely bestowed liberal institutions and political franchises on their colonies as England. I am not defending the Colonial Office; but I am speaking of the colonial policy of England; and I say, that the colonial policy of England, taken as a whole, is honourable to this country. I have thus spoken of the system of our colonial government; I have said, that it is one which reflects credit and honour on the country, and I think so; but there are, nevertheless, many causes of discontent; many causes which interfere with the harmonious working of the system; and I ask the attention of the House for a short period to what are the causes of discontent, and which, I must say, are used not inactively at home for purposes very different from those for which the colonists complain of them. The imperial policy of this country has to be carried out in some of its great and leading features by the Colonial Office. The Colonial Office is the agent and organ of the policy decided on by this House and the country. I may bring under four distinct heads the great questions which have originated the sharpest and the most angry collisions between the Colonial Office and the various colonies; I may bring under four heads those causes of differences which have from time to time existed, for which the Colonial Office has been made responsible, but for which Gentlemen of the House of Commons and the country at large are responsible, and clearly have to share the reproach which is now heaped on the Colonial Office, which is merely the organ of the principles and policy enunciated by this country. I will take, in the first place, abolition of slavery. Anybody who will look into the history of our colonial possessions will admit that the complaints founded upon the alleged injustice and injury of that measure were, of course, made to the Colonial Minister of the day; they had to be met and answered by him; and all the collisions and differences which arose entirely out of the policy of this country, as to the abolition of slavery, were directed to and against the Colonial Department. This House decided that great question of national policy, and the Colonial Office bore the brunt of all the complaints, and had to sustain the policy of the House; and yet those friends of humanity who supported that great question are now amongst those who complain the loudest. That is not all. This House resolved, after many and able debates, that the policy of free trade should be the policy of this country. Did not that affect your colonies? It affected your colonies most sensibly, and yet the Colonial Office has to maintain those general views; to bring all local enactments into harmony with the imperial policy; to hear all the complaints, bear all the reproaches; and those Gentlemen who advocate this large scheme of policy, which I consider beneficial to the empire, now shrink from their share of its responsibility — they leave that to the Colonial Office. Take the cases of Jamaica and Guiana. Why have they complained? They distinctly and emphatically say, "You have withdrawn protection from us, and therefore we will insist on reducing the expenditure." That brings on a collision. Who bears the brunt? The Colonial Office. I am quite sure that any one who has read the resolutions passed at public meetings in Guiana must have seen that they attribute a great deal of their distress to our free-trade policy. If bankruptcy follow, in the transition from monopoly to free trade, do not visit it on the executive department; but take a fair share of the blame to yourselves, if blame there be. I concur in that policy, and many of those who are now assailing our colonial policy are not the friends of free trade—are by no means the men who have stood forward to identify themselves with its progress, but, taking advantage of the distress of the moment, are seeking to injure those who advocate principles which they know themselves are those to which Parliament and the country have bound the Colonial Office to adhere; and they know that my noble Friend at the head of the Colonial Office is the last man to shrink from carrying out those views which he thinks right. I am bound to say that these questions are discussed unfairly when everything is attributed to the administration of colonial affairs, and nothing attributed to the policy which it is the duty of the Administration to carry out. There is another great question, which sometimes brings us into collision with the legislature of New South Wales—that which is called the waste land question. I again refer to the hon. Baronet the Member for Southwark, and others, who are the ablest advocates of what may be described as the assertion of the Crown's right over waste lands with a view to promote emigration and colonisation. It is the assertion of this right, now embodied in an Act of Parliament, which the Australian colonies complain of. Here is the hon. Mover of this Motion to-night, who has an official connexion, I believe, with New South Wales, and is supposed to speak the sentiments of the colony, and who complains most bitterly of the Waste Lands Act. The colonies claim the right of selling this land at any price at which they can sell it. The evidence before the Council of New South Wales strictly bears me out. They say it ought to be 2*s.* 6*d.*, 4*s.*, or 5*s.*, as the case may be, and that they ought to be the judges. I am not raising the question—I am stating the fact; it creates disputes, and originates complaints; and, therefore, I beg it may be understood, that to the Act of the Imperial Parliament the Colonial Office is bound to adhere, and that is not the policy of the Colonial Office, but of Parliament. Thus, whether I refer to the abolition of the slave trade or slavery; the introduction of free trade, or, as regards our West Indian colonies, the free competition between the produce of free labour and slave labour; the disposal of waste lands upon the terms and conditions determined by the Imperial Parliament; and, I might add, our penal system, including transportation; I find, under four or five great heads, the source and cause of the greatest colonial grievances for which Parliament is answerable, but for which the Colonial Office is made unfairly responsible; and friends and opponents of these measures join in reproaching the Colonial Minister for adhering to and upholding schemes of policy of which the country and Parliament are the authors. I complain of this injustice. With regard to conferring local self-government on the colonies, no one would go further than Lord Grey; and it does happen that no Colonial Minister has gone so far in conferring local self-government as he has done. There is really but one obstacle to extending the principle of local self-government, and that is the fitness of the colony to receive it. Show me an instance of a colony which is fitted to receive local self-government, and I will show that the local self-government is enjoyed or conceded. I have already hinted at one limitation to the application of self-government—namely, where there is a dominant class, and a subject or different race. In the West Indies, Mauritius, and Ceylon, the total native and coloured population amounts to 2,600,000 persons; the whites amount to about 80,500. Will any one venture to say that in colonies so situated you can confer local self-government? I object to those general maxims which are propounded now and then, that you are to confer representative government indiscriminately on the colonies. This was the great mistake of the French at the period of the first revolution; they carried out in St. Domingo general maxims, without discrimination and discretion; they extended franchises and rights which led to a desolating civil war. If they had taken the English policy as a guide—had England possessed the colony, and had determined to extend the political rights and privileges of this colony, it would have been done with discrimination, care, and judgment, and that colony might have been preserved, and order and prosperity secured. There is another limitation of self-government, namely, where you have a great military establishment, and have imperial interests, paramount interests, which you cannot surrender—which you cannot allow to be weakened. In these cases you must limit the power of local self-government to purely municipal affairs at most; but the general control over such colonies must be vested in the Crown. Having thus ventured to describe what I may call our colonial system, apart from our colonial policy, I think I may justly deduce this result, that our colonial policy may be described correctly as one which, as a rule, confers political institutions and franchises on every colony that is in a condition to receive them with advantage. There can be no doubt, I think, looking over the list of colonies to which I have referred, that in all these cases the grant of free institutions has not preceded the time when the colony was in a state to receive them. Therefore I say that, in future, it will be the policy of this country to confer local self-government where the colony is in a state to enjoy it, and use it wisely and moderately; but the hon. Gentleman proposes to inquire as well into our financial as political relations. Now, I must say that that inquiry would be really hopeless and endless. Consider what are the financial relations of England with her colonies. Is it an early colony? There, undoubtedly, assistance is directly given by Parliament. In some of the colonies that have been ceded to us, very large assistance has been given. Up to 1831, 700,000*l.* or 800,000*l.* was voted from time to time for the Mauritius. In the Ceylon papers now before the House you will find that upwards of one million was voted in aid by England up to 1835. These things have come to an end; the colonies are placed on a better footing—they are bearing more and more the expenses of their establishments, and the object is to develop the resources of the colonies, and, ultimately, to enable them to bear entirely the expenses of their own government. The hon. Member for Berwickshire spoke of the governors of the West Indian colonies being a great burden to those colonies. He forgets that, in the annual estimates, we vote a large sum for the salaries of West Indian governors. But it has been maintained by some hon. Members that, ruined as they are assumed to be by free trade, hampered as they are by competition, we ought no longer to extend any favour to them. I think the time is coming when this subject must be seriously reviewed; I am not disposed to think this is the time in which you ought to do so. At any rate the salaries of the governors so voted cannot be considered as a burden on the taxpayers of those colonies. Then, of course, there is large naval and military expenditure—it has been the subject of inquiry already to a very great extent. I think that in the course of time it will be subject to considerable reductions; but before you do that, you must replace the establishments by some efficient and adequate force, to maintain order and protect the colony. No man has done more than my noble Friend the head of the Colonial Department, and my right hon. Friend the Secretary at War, to lay the foundation of a future considerable reduction in the expenditure of our colonies, by the establishment of a local force—by sending out pensioners with certain advantages, with respect to land; and by settlements where military service is connected with the tenure of land; thus laying the foundation for giving to the colonies a local force adequate to the maintenance of peace and order. I hold it to be perfectly impossible for a Committee to inquire into the political or financial relations of the colonies. I have glanced at our colonial system—I have ventured to state generally in what our colonial policy consists—I have alluded to some of the causes of expenditure, and have shown that it is not a matter which can be inquired into by a Committee of this House, for it would require a greater devotion of time and more information than it would be in the power of a Committee to give or to obtain in any reasonable time. It has been said that the patronage of the colonies is reserved entirely for the benefit of the aristocracy—that it is the object of the Government to retain this patronage, with a view to provide places for the aristocracy. In the first place, let me just divide the patronage of the colonies distinctly under two heads. Undoubtedly the Crown possesses the power to appoint governors and the highest functionaries in the colonies; but, with regard to all the appointments below the officers of the highest rank, almost invariably the patronage of the Colonial Office is given upon the recommendation of the governor of the colony, and that is done deliberately, and with a view to confer on the colonists the full benefit of and knowledge of the administration of their own affairs. The minor patronage is practically vested in the hands of the colonial governor throughout the British colonies; and I believe that some portion of the unpopularity of the Colonial Office arises from this circumstance. As to the appointment of governors, some amongst the ablest of our governors undoubtedly belong to the aristocracy. I hope the time is not come when the aristocracy are not to be selected if they are men of merit and ability. Few would compete, under such difficulties, with the Earl of Elgin; few with Lord Harris; and I even go so far as to say that Lord Torrington has made a most able Governor of Ceylon. ["Hear!" *and* "Oh, oh!"] I do say that when Lord Torrington's despatches are fairly and impartially considered, and his measures understood, it will be said, and it will be admitted, that with regard to the administration of local affairs, they will show that he is a man of ability. I flinch from no temporary difficulty; and I am perfectly prepared to defend Lord Torrington's measures when the proper time arrives. If I had remained silent with regard to Ceylon, I know that it would be attributed to another cause, and I, therefore, thought it right to make these remarks; but when the proper time comes, I shall be prepared to enter more fully upon the subject. Then they had Sir George Grey in New Zealand—one of their very ablest governors; and Sir Henry Young, the Governor of South Australia. Did they belong to the aristocracy? Ever since my noble Friend's accession to office, he has had regard in all his appointments to the advantage of the colonies alone. His appointments had been made with perfect disinterestedness and perfect purity; and he had on all occasions gone on the avowed principle of promoting able governors wherever he found them. If promotion be the rule—if men acquire distinction, and that distinction be made the ground of advancement — of course the higher appointments are given to those who are already in office. To that principle, which my noble Friend has laid down, I adhere; and in looking over the greater number of appointments, it will be found that this rule has been observed. The hon. Member for Berwickshire next alluded to the case of New South Wales, and had stated that the subject of emigration to that colony had been altogether overlooked or neglected. I was rather astonished to hear the hon. Gentleman make use of such an assertion.

Mr. SCOTT: I did not say either overlooked or neglected; I said mismanaged.

Mr. HAWES: I am still more surprised than before, after the hon. Gentleman's explanation, and I will state the grounds. In the year 1846, there was hardly any emigration going on to New South Wales. In 1846, there were not more than 200 persons sent as emigrants to New South Wales, 2,154 were sent to South Australia. In 1847, there were four ships sent to New South Wales, with 800 emigrants, and to South Australia twelve ships, with upwards of 2,000; in 1848, fifty ships to New South Wales, with 12,200 emigrants, and to South Australia twenty-three ships, with 5,900 emigrants. Now, I will say, that, trying it by any test, a more successful emigration never has been carried on than that to which I have just alluded, and which has been conducted under the Emigration Commissioners. The mortality has been next to nothing; the emigrants have gone out in health, and arrived in health. By the arrangements made on the spot, they have almost immediately found employment; and I have no reason to doubt that the whole of the emigration which commenced in 1847, and is increasing in 1848 and 1849, will be most beneficial to England, and most advantageous to the colonies. How stands the fact with regard to the land fund? Since, I think, the year 1837, the total amount received by the sale of land is 919,669*l.* How is that distributed? The hon. Member for Berwickshire talks about its being Crown revenue. That is likely to mislead; he ought to have been more accurate. The whole of the land fund so received is devoted entirely to the colonies. The Crown has not the remotest interest in it. One-half of it is devoted entirely to colonial improvement—such as roads and bridges; the other half is devoted to emigration. Therefore, the whole proceeds of what is called Crown revenues, in these great colonies, are devoted, exclusively and entirely, to the benefit of those colonies which furnish this fund; and, undoubtedly, very great benefit has been thus secured to those colonies. Therefore, I am bound to say there is evidence to show that a large fund has been raised, and it has been wisely applied, and applied exclusively to the benefit of these colonies. But it is most remarkable when you come to consider, within a few years, the sums of money that have been received. I think that when Earl Grey came into office there were no available funds from the Crown lands of New South Wales, and it was in debt 100,000*l.* It might have justified the noble Earl in stopping emigration. But, so far from having done so, he felt that the resources —the increasing resources of the colony would be able to do more than meet the debt, and he accordingly authorised the further expenditure of 100,000*l.* upon emigration. That also had been expended, and a further sum of 100,000*l.* was now in course of being expended.

Mr. GLADSTONE inquired what was the actual sum that had been raised?

Mr. HAWES: Not less in the entire than 300,000*l.*

Mr. SCOTT asked if that amount had been obtained by the sale of land?

Mr. HAWES said that it included the whole revenue derived from land, and of course the land held under leases would be part of the security under which the 100,000*l.* had been raised.

Mr. SCOTT: Then the money has not been raised by the sale of land at all.

Mr. HAWES said that 100,000*l.* of debt had been paid off; another 100,000*l.* had been expended; and a third 100,000*l.* was now in progress of being expended in emigration—all for the benefit of the colony. If the current income should fall short, the amount would be raised on the security of the Crown revenues; and no doubt was entertained but that these revenues would be amply sufficient to pay both the principal and the interest. But in alluding to this subject, he merely wished to show, as the Crown revenue had been spoken of, that that revenue was exclusively raised and expended in the colony, and for the colony, not for the benefit of the Crown, or the exclusive interest of this country. I will not enter into the vexed question of the convict system; that has been under discussion in this House, and may come under discussion again, but I ask the House to do me the honour to recall to mind the grounds on which I have opposed this Motion. I believe it to be thoroughly and entirely impracticable. If the hon. Gentleman's object was discussion, I have endeavoured fairly to meet him on that subject; I have endeavoured at least to show him that his Motion has attracted consideration and attention on my part. Indeed, I attach the highest importance to the subjects involved in this discussion, and when the question is thoroughly understood, we shall have less vague generalities about colonial reform, and a more candid and just consideration of our colonial policy. Remember that the colonies have rights which they hold dear as well as we do our own. They have, as I have shown in a majority of cases, large powers of local self-government. I think I see signs of a greater disposition to interfere with them on the part of this House, than on the part of the Colonial Office. The right hon. Gentleman the Member for the University of Oxford thought it necessary to call the attention of the House to the proceedings of the Canadian Parliament. I hold that the Canadian Parliament had a perfect right to discuss the measure to which he referred in all its details, and submit it to the Governor General's decision, and without the slightest interference by this House; and the Governor General was bound to send the Act, when it so reached his hands, to this country; and if the right hon. Gentleman respected the principle of local self-government, he would not have said a word about it, until the Crown had to give its assent. In conclusion, I say that the Colonial Office having had to carry out great objects forced upon it by this House and the country, ought not to be made responsible for those differences and collisions which are daily sought to be attributed to the acts of the Colonial Minister. Let hon. Gentlemen deal fairly with this question. They complain in another direction of the colonial expenditure. Did they mean to surrender any portion of their colonial empire? If they did not, they must pay the price of maintaining that empire. If they had colonies scattered over the globe, with their merchants and great mercantile interests in them, it was absolutely necessary to protect them. It was necessary that they should maintain the police of the seas; and he believed that if they attempted materially to reduce their naval force, they would find their trade exposed to danger, and instead of being, as at present, carried on with perfect security, and at a minimum risk, to all parts of the globe, the risk would be materially increased. In a word, if they would have a great colonial empire, they must protect it. If they were prepared to say that the colonies should have no protection—that, without discrimination, all were to have local self-government—for that was the doctrine broached—and if they were at the same time to tell the colonies that they were to have no military protection — and that they must henceforth defend themselves, then he would ask, what remained to attach these colonies to the mother country? He believed that the colonial empire had conferred great benefits upon the mother country, and he never wished to see that empire impaired. He could not talk so lightly of the importance of our colonies, scattered over the face of the globe, as many hon. Gentlemen allowed themselves to do. The colonists were our fellow-subjects, united to us by the ties of blood and affection—they shared with ourselves a noble inheritance, of which they and we were alike proud, and he hoped the day would never come when, from mere mercenary considerations, the Legislature of the country would consent to weaken and diminish that empire which their forefathers had won, and had bequeathed to them to be maintained with honour, justice, and liberality—for the benefit equally of the mother country and the colony.

Mr. GLADSTONE said: I have great pleasure in agreeing with the hon. Gentleman the Under Secretary for the Colonies, as to the course which he proposes the Government should take with respect to the Motion of my hon. Friend the Member for Berwickshire. I agree with him that no good would arise from granting a Committee to inquire into a subject so extensive and so complicated; on the contrary, I believe that granting the Motion of the hon. Gentleman would tend to serve any corrupt interest which the Government might have in evading the discussion of colonial questions, because such a Committee would find its hands so overloaded with the extent and number of perplexing subjects which would come before it, that it would be difficult to arrive at a satisfactory result in the case of any one of them. I will not say that the aid of a Parliamentary Committee may not be usefully invoked in the case of a particular question relating to a particular colony; if, for instance, my hon. Friend would move for a Committee to examine the question on which he feels a great interest, the difficult question as to the right disposal of waste lands in New South Wales, or on many other questions which might be raised, much might be said on behalf of such a Motion. But as I desire to see the attention of this country brought to bear with an increasing degree of interest on colonial subjects, I am unwilling that we should assent to this description of inquiry, which I do not think would lead to any searching investigation or to any practical result. And I may almost assume that it is the intention of my hon. Friend rather to raise a discussion in this House, which I have no doubt will lead to an advantageous result, than to obtain the appointment of a Committee, which purports to be contemplated by his Motion. I have the further satisfaction of agreeing with a great deal of what has fallen from the hon. Gentleman the Under Secretary for the Colonies with regard to the charges which are made against the Colonial Department. I confess I agree with him that much of the unpopularity which has come upon that department, attaches to it, not on account of any views, or principles, or notions of its own which it has carried into execution, but on account of its being the organ of Parliament, and of the general views of this country. I think that the hon. Gentleman was justified in referring to the questions of the slave trade and of slavery; to the question of waste lands, and to the question of free trade, as affording remarkable instances of the Colonial Office being placed in collision with the feelings of the colonies, because it was through the Colonial Office that the colonies became aware of the views of Parliament, and the feelings of this country. But at the same time while I am bound to say I think the faults of the existing colonial policy have not been, as they are generally represented, the faults of the Colonial Minister of the day, but in a much greater degree the faults of Parliament, and of the public mind insufficiently exercised and partially enlightened as to our colonial policy, yet I must say I cannot accompany the hon. Gentleman so far as he is disposed to take me, when he says that he feels the greatest pride in contemplating the general character of our colonial policy, and as to which he does not scruple to say that it is the most successful and the most beneficial that the world has ever witnessed. If he means only to compare our colonial policy with that of any other European State, I am not much disposed, so far as my recollection serves me, to dissent from his statement. [Mr. Hawes: That is all I mean.] But the distinction which we wish to draw is not between the colonial policy of England and that of any other State, but it is a distinction between the modern and the ancient policy of England. I hold that there is a broad line of distinction to be drawn between the policy by which the American colonies, that afterwards became the United States, were founded and fostered, and the policy which has generally prevailed during the last sixty or seventy years; and, in my view, this latter policy has been of a far less successful, of a far less beneficial, and of a much more expensive character. I agree with the hon. Gentleman, that no consideration of money ought to induce this House, or the Legislature, to sever the connexion subsisting between any one of the colonies and the mother country; but I will say, that the consideration of money—important as it is—because a large, an unnecessary expenditure is involved in our present colonial system, which I do not say, however, can be all at once retrenched—yet there is a still more important consideration than that of money, and that is how to give the greatest and most effective development to our colonial institutions. I thoroughly believe that a sound colonial policy has no tendency to separate the colonies from this country. Yet I do not think that the expenditure of large sums from the imperial treasury tends to strengthen or perpetuate the connexion; and this, at least, I do not hesitate to say, that I think it is a mistake to propose the maintenance of that connexion as the one and the sole end which we ought to keep in view. What we ought to keep in view is the work and the function which Providence has assigned to this country in laying the foundation of mighty States in different quarters of the world. What we ought to keep in view is to cherish and foster those infant communities on principles that are sound and pure—on the principle of self-government; and if we do that, I am convinced that the political connexion between these States and the mother country will subsist as long as it is good for either that it should subsist; and when it ceases, I hope that instead of the connexion being severed in the midst of bloodshed, as was the case with the United States, it may arise from the natural and acknowleged growth of these communities into States perfectly fitted for self-government and independence, and that after the termination of the political connexion a community of feeling will still subsist in a similarity of laws and institutions, and in a close union of affection. I do not hesitate to say that this would be infinitely more valuable than any political connexion with England. My next ground of exception to what has been stated by the hon. Gentleman may, perhaps, appear to bear in a different direction. I regret that the hon. Gentleman should have referred to what is taking place in Canada, because I think that, if it was premature on my part to ask for information with regard to a matter of great imperial concern—confining myself to a question for information only, for that was my object—it is still more to be deplored that the hon. Gentleman, by laying down dogmas with respect to such questions, should have involved discussion upon a matter upon which, important as it is, we have still only imperfect information. I say nothing to prejudge that important question now under discussion in Canada: but this I do—I enter my resolute protest against the doctrine laid down by the hon. Gentleman, who has not hesitated to maintain that a Member of this House ought not to interfere with any question which is discussed in a colony enjoying free institutions, until the matter to which reference is made has taken the form of law, and received the assent of the Crown, and when, of course, it is beyond the reach of interference. That is the doctrine of the hon. Gentleman, that wherever there is a free colony, Parliament has no right to act upon any question which the legislature of that colony is discussing. [Mr. Hawes: Pending discussion.] I have no objection to add the qualification of the hon. Gentleman as a rider to the statement; but the hon. Gentleman must see that it adds nothing to my words, and that it takes nothing from them, because of course we cannot act after discussion. It is no doubt true that we have the power to repeal those laws; but, even so, it is surely wiser and better that this House should interfere in a matter before it has taken the form of law, than that it should take the more violent course of repealing it afterwards. I protest against that doctrine. I hold that freedom is the principle on which our colonial policy ought to be founded; but, at the same time, that freedom must necessarily confine itself to local concerns, and imperial questions it cannot and ought not to touch. With respect to local questions, I will yield to no man in the breadth with which I would assert that in the working of a representative constitution—working it freely and fairly—local questions must be left to its sole and entire disposal. But, in questions of imperial concern, I claim for myself, and for every Member of this House, the right to raise his voice either in the way of objection, inquiry, or discussion of whatever kind, with regard to any colonial proceeding, in which he may conceive the interests of the empire or the honour of the Crown to be involved. But, wishing to adhere to the principle I formerly stated, and to avoid premature discussion upon that or any other question, I pass from it without offering any opinion upon the subject. I not only reserve my opinion from the House, but I feel that even the formation of a judgment is premature till we are in possession of further information, and therefore I shall pass from it to make one or two remarks upon another portion of the hon. Gentleman's speech. In illustration of his principle, that the Colonial Office was but the organ of the views of Parliament, the hon. Gentleman referred to one or two instances which I thought were rather unfortunate. He referred to the cases of British Guiana and Jamaica. The case of Jamaica I shall not touch, because I wait for further information respecting it. But the reference to British Guiana, I think, was unfortunate on two grounds: first, because the state of that colony is now under discussion elsewhere, and that we shall afterwards approach to its consideration in a much more prepared state; and, secondly (though I do not blame him for referring to it, because that was rendered necessary by the remarks of the hon. Gentleman who preceded him), because I cannot give my assent to the statements made by the hon. Gentleman. He contended that the cry for economy in the West Indies had arisen from the application of the principles of free trade to the colonies; and he argues justly that the Colonial Office is not responsible for the application of the principles of free trade, but that this House is responsible. That is, no doubt, perfectly true; but does the hon. Gentleman mean to say that, because the House has applied the principles of free trade to the colonies, and because the West Indian colonies, finding their means diminished by the application of those principles, now cry out for economy—does the hon. Gentleman mean to say that economy is on that account to be discountenanced and disparaged? [Mr. HAWES intimated his dissent.] I beg the hon. Gentleman's pardon, I think that was his bearing. The spirit in which he discussed the matter had that tendency. I do not mean to say that he uttered the dogma that the West Indies ought to be compelled to support expensive establishments; but we have a right to expect from the Colonial Office not only negative assistance to the establishment of economy in the West Indies, but we have a right to expect that the Colonial Office should urge, recommend, promote, and aid, by every means in its power, the cause of economy. [MR. HAWES: I instanced the case of Trinidad.] I beg the hon. Gentleman's pardon, I remember his words distinctly—they were, that the Colonial Office would offer no obstacle to the reduction of expenditure. I think they had a right to expect something more than this; but I will not argue the matter further. I do not agree with the hon. Gentleman with regard to British Guiana. I shall not go into the discussion now; but when the hon. Gentleman said that Earl Grey had declared that he would be ready to make reductions as vacancies occurred in the civil list, but that he was precluded from interfering where vacancies had not occurred, I must say that I cannot accept the statement. I do not dispute that Earl Grey gave the pledge, but I must emphatically dispute that he has redeemed it. I pass on to other subjects. The hon. Gentleman says that we have forty-three colonies; that in nineteen of them we have representative institutions, eight to which the principle of representative constitutions has been conceded; that there are sixteen in regard to which it is held that representative institutions are not yet applicable to their case. The hon. Gentleman shows certainly—in a way that must disappoint the sanguine hopes of some, but yet with great truth—he shows that there are many causes or features attaching to the social state of these colonies which renders it either impossible to apply to them the principle of representative institutions, or which makes it expedient to limit or fetter that principle when so applied. He says, and justly, that if there is a dominant race which has long held in subjection persons larger, perhaps, in numbers, but weaker in the elements of social power, there the working of representative institutions must be deferred. In the case of the West Indies, and some other colonies, I agree with the hon. Gentleman, that it is necessary the central Government should interfere, should control, should exercise a zealous vigilance, as in all cases where the inhabitants are not of the same race, and where there are hostile recollections between the one and the other. The hon. Gentleman also says, that military colonies—colonies that don't support themselves, or colonies that do—but whose population is not sufficiently numerous or intelligent to enable them to work representative institutions—in these cases also representative institutions must be withheld. I agree with the hon. Gentleman, that in the case of military posts, there the military interest, or rather the imperial interest, as represented by the military interest, must be held to be something paramount to every other consideration. I agree with him, also, that those colonies which do not support themselves, like the colonies of West Australia, for instance, can hardly expect to be set free from imperial control; and that, on the contrary, it would be most dangerous and inconvenient if we were to create representative bodies, with all the functions of legislation, which should be called together, not to tax their own constituents, but to make demands on the imperial treasury. I think, also, that to connect the granting of free institutions with the principle of self-support would have this advantage, that we might hope the expectation of enjoying free institutions would induce them the sooner to forego the very agreeable practice of dipping their hand into the purse of the country. But I come to the last class of colonies—to those which are self-supporting, which are not military governments, which have no dominant race separated from the rest of the population by hostile recollections; and I am slow to understand why in their case there should be a reluctance to confer the benefit of free institutions. With respect, for instance, to the colony of Newfoundland or of Prince Edward's Island, I am doubtful of the principle which the hon. Gentleman has laid down. I do not see what there is in a large population, or anything like a large population, which is necessary to the due working of free institutions. I mean that the institutions should be free in the fullest sense of the term, and fully carrying out the principle of a responsible government. The hon. Gentleman says we have forty-three colonies—he says that responsible government is the true and normal principle with regard to them all; but that there are only three with responsible government, and the other forty are without it. He admits that it is a matter of great difficulty to introduce responsible government; and that where the system has been to carry on the government from this country, it is difficult to change it, and therefore that it has only been done in the case of three out of forty. I admit that there is a great difficulty in changing the system; but that makes me raise the question, whether it is a true or a fallacious principle that it is necessary to raise the colonies to a certain height before they can be fit for free institutions? I think that it is the doctrine of our colonial policy—I will not say of the Colonial Office, because if there is error, it is an error which is shared by Parliament and by the people of this country—but I understand the hon. Gentleman to lay down this doctrine, that he will give to the colonies free institutions as soon as they are fit for them; and I understand him to say that most of our colonies are not fit for self-government. [Mr. HAWES: Where the population is small.] Be it recollected that I set aside the military posts; I set aside the colonies where there is a dominant race; and I set aside the colonies which are dependent upon our annual votes. But I do not understand why our other colonies, and especially our Anglo-Saxon colonies, should not be ready for the possession, in their own way, of the principle of self-government—why they should not be ready for the possession of free institutions whether their numbers be large or small. The question may appear to be a small one, but I hold it to be of the utmost extent, because I believe it to possess an elastic force, which, though small at present, will expand with our future necessities. I believe that if this principle had been acted upon some time ago, we should have escaped from many of the difficulties which now environ us, as the consequence of former errors. I confess—though I am unwilling to refer to matters which cannot now be discussed in a satisfactory manner—I do not hesitate to say, that it is this which leads me to deplore the course taken by Earl Grey with respect to Vancouver's Island. There there was no dominant race, no military post, no inconvenient proximity to other colonies; it presented the fairest field which any Minister has had for generations, perhaps for a century, to found a truly free colony, and that opportunity has been wantonly and most miserably sacrificed. But I trust we shall go into this question in large detail at an early opportunity, because it is impossible that a question of such large importance as this should fail to attract the deliberate notice of Parliament. But I hold that we must disembarrass ourselves of the fallacious notion that a colony is to be reared and fostered by a Government in Downing-street—a Government which I do not respect one whit less, but rather more than any other department of Government which has its seat in this country; but we must get rid of the fallacious notion—for if it is a fallacy at all, it must be a dangerous one—that we must raise a colony to the extent of a population of 40,000 or 50,000, like Newfoundland, before it is fit for free institutions. That is the point on which the old colonial policy differed from the new. It is true, that in founding the New England colonies you had not the benefit of experience; but before twenty or thirty years had passed, most of these colonies had local self-government. They had it entire when they were only a few thousands—when in some instances they were only a few hundreds, struggling on a bleak and wintry coast, with all the difficulties of nature, and with a small hope of attaining that eminence which they have since attained. I say, that these colonies possessed local self-government in their infancy. Does the hon. Gentleman question that statement in point of fact? [Mr. HAWES: Yes.] Does the hon. Gentleman doubt that there were some of these colonies in which every office was elective without exception? [Mr. HAWES: I do.] I don't say that the principle went to the same extent in all; but there were more than one in which even the office of governor was elective—there were more than one in which colonial laws took effect without being submitted to this country at all. I don't say that it is necessary to adopt every one of those rules in the present state of things; but I do say, that there was not one of those colonies in which, though founded by the influence of a governing power which had its seat in this country, yet, before the then existing generation had passed away, the situation of the governing power was moved to North America. It is a minor question whether a colony shall be governed by a single secretary, or by a board representing all shades of opinion, or by a chartered body—depend upon it the main question is, whether they shall be governed by and among themselves, or whether they shall be governed by a Power separated from them by mighty oceans, not identified with them in feeling or in interest—not possessed of that minute knowledge which will enable it to stimulate their powers into action, and develop the growth of their social and civil institutions. Confining myself to these few general remarks, and having risen mainly because it was necessary to limit and guard myself against its being supposed that I approved of what the hon. Gentleman the Under Secretary for the Colonies said respecting British Guiana and other cases—I shall refrain from occupying longer the attention of the House. I thought, also, it was but just that I should rise and say, that my belief is, that the general errors of our colonial policy—errors which are by no means inconsiderable—are errors which belong to Parliament and to the state of public mind, more than to the Colonial Office in general, and still less to the particular Minister who may hold the seals of that department. With regard to measures of practical improvement for the colonies, I conceive that the votes of this House, when given on particular questions as they come before us, in regard to colonial policy—by those votes given on such questions we shall probably do most to lay the foundations of permanent improvement; for I attach little value to abstract notions of colonial reform, because there are a number of qualifying circumstances to the most ingenious theories, which would doom to bitter disappointment those who most strenuously support them, and who hug themselves in self-complacency for having propounded them; but I do say, that by legislating for each particular colony, as the cases may arise with respect to each of them, on principles that are sound and of permanent duration, we shall do the most to place the colonial policy of this country on a footing worthy of this great country, and the character of this enlightened people.

Mr. MANGLES said, his hostility to the Colonial Office was well known, but it had never been personally directed against those who administered the affairs of its government. He knew that the highest talent and industry had been employed in that department, for it was impossible not to believe that such men as the present Prime Minister, Lord Stanley, the right hon. Gentleman the Member for the University of Oxford, and Earl Grey, should not have given to the office the best attention which their great talents could give; and his persuasion was, that there must be something essentially bad in the system itself which prevented men of their eminence from accomplishing useful results. He did not say that the noble Lord who was at present at the head of that department was better than his predecessors; but in one respect his conduct contrasted advantageously with that of those who had gone before him—he meant in the way in which the noble Lord had recently selected governors for the different colonies. In proof of this he referred to the appointment of the Earl of Elgin as Governor General of Canada, Mr. Bonham, as Governor of Hong-Kong, Mr. Barkly, as Governor of British Guiana, and, more recently, Sir George Anderson, of whom, he believed, Lord Grey had never heard, except from the report of his late lamented friend, Lord Auckland, as to the ability with which Sir George Anderson had administered the government of Bombay. He believed that where his Lordship had selected members of the aristocracy, he had selected them simply with reference to their abilities, notwithstanding all that the hon. Member for the West Riding had said of these situations being kept up for the benefit of members of the aristocracy. And here he would say that he was sorry when derisive cheers greeted his hon. Friend when speaking of Lord Torrington's ability in administering the affairs of Ceylon, because, though they had not before them any proof as yet of the noble Lord's ability, yet, from all he (Mr. Mangles) had heard of the noble Lord's management of his own property in Kent, as well as the part he had taken in public and semi-public affairs, he believed that the noble Lord was a man of energy and talent, and that he was not justly liable to the obloquy that had been cast upon him. Having said so much, he must say that he demurred as much as the right hon. Gentleman the Member for Oxford University could do to the statement, made in so bold and confident a manner by the hon. Gentleman the Colonial Under Secretary, that our colonial administration reflected credit and honour upon this country. He did not think so. He did not blame any one. If there had been a failure, it was neither in the ability nor industry of individuals, but in the inherent viciousness of the system. He did not believe that it was morally or physically possible for any man, gifted as he might be with powers of application, with ability and industry, to do justice to the task that was heaped upon the shoulders of a Secretary of State by the Colonial Office. Considering the demand that was made upon his time by Parliament, and the great variety of correspondence that came before him from the several colonies of this country, if he were the Admirable Crichton himself it was impossible for him to do justice to the task. And when to those considerations was added the further one, of the numerous changes that took place amongst the officers appointed to govern the colonies, and the secretaries themselves, how was it possible to imagine that the colonies could be well or wisely governed? This country possessed an enormous empire in India, an empire larger and more important in the number of its inhabitants than all the colonies together. That Indian empire was governed upon a system quite different from that applied to the colonies, and it was clear that both systems could not possibly be the best. India was governed by a board sitting in London which was controlled by a department of the State. [Mr. GLADSTONE suggested across the table that the Government of India was military and despotic.] The right hon. Gentleman was right; it was a despotic Government. But he contended that, *mutatis mutandis*, a similar system of management, so far as regarded the board, might be adopted most beneficially for the colonies. Something in the nature of a fixed council for the colonies could be arranged to aid the Colonial Office. The persons fit to constitute such a council would be found amongst the retired governors of the colonies, whose experience would qualify them for it. From them might be formed a body for the purpose of assisting the Secretary of State for the Colonial Department. He knew that the noble Lord at the head of the Government objected to such a plan. He was aware the noble Lord thought that the best mode of governing the colonies was to give them the government of themselves. But he (Mr. Mangles) still did not see why they should not give the Colonial Secretary the benefit of the aid of a fixed council; as Spain had a council of the Indies, why not have a council of the colonies? The right hon. Gentleman the Member for the University of Oxford gave the preference, and he (Mr. Mangles) believed justly, to the ancient system of managing the colonies over the present. But surely there was another and a fairer standard of comparison to which they should refer—that of what they might have done with the colonies compared with what they had done. Was it not a disgrace, even supposing that the colonies were as well managed now as they were two centuries ago, that we had availed ourselves so little of the experience which we had had? Was it not disgraceful to the English nation that they had made no advance—no progress—in the art of colonisation and of government? For his own part, he should say that he felt shame and confusion at it. But as the noble Lord would not listen to the suggestion of a colonial council, and would insist solely upon the giving to the colonies the management of their own affairs, why should so much time be lost in carrying out the system advocated by the noble Lord? That postponement and loss of time was in itself a serious evil. What had happened in New Zealand was an example of the bad consequences of such delays. The Governor of that colony (Sir G. Grey) had collected into his council the best informed of the colonists; and amongst others, he had selected Mr. Fox, who was formerly in the employment of the New Zealand Company, for the high and important office of Attorney General, one of the highest and most important offices in the colony. Yet Mr. Fox had resigned the office, and retired into private life, because the Governor would not give any pledge that it was his intention to carry out liberal institutions forthwith. Why such delay? Why was not some effort made to carry out the intended system at once? Upon the subject of Ceylon he had intended to offer some remarks; but the debate having taken such a general turn, and it seeming to be the wish of the House that particular cases should not be gone into, he should refrain, and trespass no further upon their time.

MR. HUME thought the House was placed in a singular position when they were told by the hon. Under Secretary for the Colonies, and the right hon. the late Secretary for the Colonies, that no good could come of inquiry. He would rest his advocacy of the Motion on what had fallen from the hon. Gentleman who had just spoken. That hon. Gentleman had praised those to whose lot it had fallen to administer our colonial affairs—he had eulogised generally the choice of governors and colonial officers; but he had gone further, and asked how was it that with such able, talented men—men not selected for their relationship to, or political connexion with, the Minister—the system was not a credit to the country? He was sorry the debate had not turned more on what the Motion purported to be, namely, the appointment of a "Select Committee to inquire into the political and financial relations between Great Britain and her dependencies;" and this was the important part of it, "with a view to reduce the charges on the British treasury, and to enlarge the functions of the colonial legislatures." They had gone off entirely from this question. The hon. Under Secretary for the Colonies had put a bold front on the matter, and had declared that the colonial system, as at present administered, was an honour to England. If so, he knew of nothing that could be a disgrace. He knew nothing more disgraceful, more fraught with just and well-grounded complaint on the part of those who were subject to it, or attended with more unnecessary expense, than that system so eulogised by the hon. Gentleman. For his part, he thanked the hon. Gentleman the Member for Berwickshire for bringing the question forward, and he hoped he would persevere in taking the sense of the House upon it. If, as had been said, the subject was too extensive—if the questions were too numerous—for a Committee, appoint a commission; but if they were to stand still from day to day, and from year to year, they would, in ten years' time, be in the same state as they were now, in the fourth year after the noble Earl the Colonial Secretary declared that it was the right of Englishmen to carry with them, wheresoever they went, the benefits of British institutions. The proposition now brought forward would come most appropriately to extend the inquiry, as he had proposed when the Committee on the two colonies, Ceylon and British Guiana, was moved by the hon. Member for Inverness, to the colonial system generally, and to the policy by which our colonies were governed. It being admitted that self-government was the true principle, it would be easy, by means of such a Committee or commission, to ascertain why it was not adopted generally, and how to remove the difficulties which in certain colonies presented themselves against its application. They had been told by the right hon. Baronet the Member for Tamworth on a former occasion, that two-thirds of our whole military expenditure was required for our colonies. Why was it so? This was a question he desired to see solved. Let there be self-government in all our colonies, and let each be called upon to maintain its own establishment, and to defray its own expenditure, without calling upon the mother country, and there would no longer be any quarrelling with the Colonial Office. If there was no patronage to be exercised, and no money to be disposed of, by the Colonial Office, the chief source of difference would be removed. No doubt, some of the appointments made by the Colonial Secretary were good; and he felt bound to join in the praise which had been bestowed on Sir G. Anderson, whose fitness for the office he had been selected for all must acknowledge; but that did not cover the multitude of sins which had been going on for he knew not how many years. The colonies ought to be commercially or politically a benefit to the mother country. If they were neither, of what use were they? And if the system pursued were such as to prevent them being commercially beneficial, or politically advantageous, why should the people of England be burdened with the heavy charge for maintaining them? What occasion was there for a large military force in our colonies in time of peace? Why should 30,000 or 40,000 men be kept up here for the purpose of relieving the troops maintained in the various colonies for no purpose whatever? Such a force could only be justified by the fear that the colonies were about to be invaded by an enemy — but what chance was there of anything of that kind now? For all purposes of police the colonies would provide themselves if they were left alone, and allowed to do so; and, as to the maintenance of the connexion with the mother country, the influx of capital, which would always flow into a poor country by its connexion with a rich one, and the consequent prosperity, would always be the best security for that, unless the colonists were oppressed and rendered discontented. At present, our colonies were not made as advantageous to the mother country as they might be—they were not made use of to the extent necessary for carrying off our surplus population. There had been constant strife and endless disputes as to how far the Colonial Office should govern, or the people should govern. This had prevented thousands, perhaps millions, of our redundant population from finding their way to them. He should be sorry to suppose that one result of the proposed inquiry would not be to remove many of these difficulties, and to point out some plan by which we might still possess our colonies free from the enormous expenditure which they now occasioned us. For his part, he believed the colonies would be better protected without that expenditure, if they were permitted to govern themselves, and that the connexion with the mother country would be strengthened. His hon. Friend the Member for Guildford had proposed a board of council, similar to the India Board, composed of retired governors; but did it not strike him that there would be some difficulty in leaving it to an ex-governor of Ceylon to deal with the affairs of some other colony, as British Guiana or New Zealand. Did he forget that this board would have to deal with Anglo-Saxons, who would not be so easily governed as the Hindoos? He agreed that care would be necessary in introducing the system of self-government in colonies where there was a great disproportion of races; but, as a rule, that principle might be generally applied. If it were left to the colonies themselves to fix the salaries of their own officers, and to pay them themselves—to elect their chambers, and to govern themselves, free from the control of the Colonial Office—more prosperity and less discontent would follow, while we should be relieved from the heavy burden we were now subject to on their account. He hoped, therefore, that the House would press for the appointment of a Committee, because the bare fact that there were forty-three different colonies whose affairs required administration, rendered an inquiry essentially necessary. He would wish to have the military forces withdrawn from all except the important fortresses of Malta and Gibraltar; and in every other instance he would compel the colonists to pay those expenses to which they were fairly and naturally liable. He thought that if an inquiry were instituted it would promote peace and contentment in our several dependencies, and that the noble Lord at the head of the Government ought to support the Motion then before the House.

Mr. C. ANSTEY protested against the system of the free-trade school, as enunciated by the hon. Gentleman the Member for Montrose, and thought the colonies ought to be legislated for as an integral portion of the British empire. The hon. Gentleman seemed now to lament the discontent of the colonies, and to set a high value on their connexion, forgetting that it was the darling theory of the free-trade school that the colonies were useless, and that the sooner they were shaken off the better. The reason why so much discontent existed in the colonies was, because the Government forced their free-trade measures upon the colonists contrary to their wishes and their interests; and the Colonial Office was as ardent in enforcing the adoption of those doctrines as the colonists were zealous to resist them. He looked upon the Colonial Office as a great public nuisance—as the common enemy of the colonies—as a decided mischief, which admitted of no other reform than utter abolition. The Colonial Office was, in fact, as regarded the wishes, and interests, and feelings of the colonists, eminently entitled to the designation of the "anti-colonial office." He looked back with regret to the ancient colonial system, by which the colonial expenditure was confined to 50,000*l.* a year—a sum now expended upon the salaries of the Government connected with the Colonial Office. It was physically impossible that the affairs of the colonies could be well administered as at present conducted. There were forty-three colonies, the correspondence and affairs of which were nominally managed by one chief and two subordinates. What ought to be the consequence of such a state of things? Precisely what was the consequence—namely, that the colonies were managed by a secret, illicit, unconstitutional board of control, consisting of clerks. Those were the real administrators of the colonial affairs of England. [Mr. Hawes: No, no!] It was all very well for the hon. Under Secretary to say "No, no;" but there were the affairs of forty-three colonies to be managed, and there were only twenty-four hours in the day and night, and the task was impossible to three persons. And yet, notwithstanding their manifest incapacity, Parliament went on, year after year, increasing its responsibilities, and enlarging its functions. He would mention one instance as an illustration of the mode in which the affairs of the Colonial Office were conducted. A gentleman of high station in one of our colonies had been unjustly removed from his office; and strong representations on the subject were made to the Colonial Secretary. A deputation waited upon him for the purpose of obtaining for that gentleman compensation and redress; and that deputation included the right hon. Gentleman the Member for the University of Cambridge, and the late Mr. O'Connell; but their request was refused. Then came a general election, and a noble Lord of great influence in the north refused the Government his support on account of their conduct in this matter. There was afterwards a change of Government; and, at last, upon the application of the Secretary of State, during whose administration the removal had taken place, it was agreed that the displaced officer should obtain compensation and be restored, upon the express condition that, until the office was actually conferred, the matter should be kept secret from the clerks of the Colonial Office. That was an indication of the state of affairs at that office; and, in truth, no colonist, who had a grievance to complain of, felt himself sure of redress until he had obtained a letter to the clerk who, if rumour spoke truly, had the administration of our colonial affairs. The only complaint that he made against the noble Earl the Secretary of State, and the hon. Gentleman opposite, the Under Secretary, was, that they had not the courage boldly to denounce the system, and to ask for the assistance of Parliament in destroying it. The hon. Gentleman had said, that, notwithstanding the anomaly of the system, the colonies were well administered. He (Mr. Anstey) denied it, and he would read to the House a letter which he had received from Van Diemen's Land—one of the Crown colonies—and one which had been selected by the hon. Gentleman as a specimen of sound legislation, for the purpose of showing that the affairs of that colony, at all events, had not been well administered; for, if their system had succeeded at all, it would have established protection to life and property, and it appeared that in that respect it had signally failed. [The hon. Member then read a letter, dated from Van Diemen's Land on the 25th November last, in which the writer spoke of the intense disgust felt by the colonists at the arrival of convicts, under the name of exiles, and stated that so great was the dread of them, that pistols were becoming an ordinary part of walking dress.] Why, he would ask, did they not follow the example set by Lord Stanley in respect to Canada? Lord Metcalfe's success in Canada was owing to the non-interference of the Colonial Office; and much of the mischief which had been done to our other colonies might have been avoided if confidence had been placed in governors judiciously selected. He admitted that Parliament had given its sanction to many very pernicious measures—not only the whole of the free-trade code, but many other measures as injurious to the colonies, had been passed; but, still, much was owing to the injudicious interference of the Colonial Office. Under the old system there was no Colonial Office, no Colonial Secretary; but the Board of Trade and Plantations was, with the assistance of Parliament, thought sufficient to administer our colonial affairs; and he maintained that the only occasions when interference with the affairs of the colonies was necessary were, when some chief governor was to be called to account, or when the trade and commerce of the colony and this country required regulation: in the former case, Parliament was the proper tribunal to be appealed to; in the latter, the Board of Trade. What more comprehensive measure of economy could be devised than that which would sweep away all the expensive machinery of the Colonial Office? He would leave the Board of Trade to exercise its proper functions in regulating the commerce of the colonies; and Parliament to discharge its duties in redressing the injustice or oppression of colonial governors; for the existence of the Colonial Office was indirectly, as well as directly, prejudicial to the colonies, inasmuch as it afforded to Members of that House an excuse for the neglect of their duties in inquiring into, and bringing forward, the grievances of the colonists. The hon. Gentleman the Under Secretary of State said that the affairs of the colonies were well administered, because the Government always attended to the statements of the governors, who represented the colonies; but the hon. Gentleman forgot that they were not elected by the colonists, but nominated by the Colonial Office. All the complaints of the colonists were obliged to be sent through the governor, who was the nominee of the Colonial Office. Nothing could account for the long continuance of such a system but the general indifference in this country to the interests of the colonists and to the dignity of the empire. It was not so when Lord Bacon wrote that it was a dreadful thing to lose a plantation, not only on account of the dishonour, but on account of the loss of the multitude of human beings. Time was when it was not thought to require proof that our colonies could not be parted with without destroying our markets; but now they constantly heard proposals made which would then have been thought, what in law and reason they were, treasonable proposals, for the emancipation — so the phrase ran—for the separation of a portion of the empire, and the impairing of its strength and dignity. There was the great source of the evil; and, because he wished to take the administration of our colonial affairs out of the hands of those who were so indifferent or so hostile to the interests of the colonies, he should vote in favour of the Motion of his hon. Friend the Member for Berwickshire, entreating him to divide the House upon the question.

SIR W. MOLESWORTH would not trespass at any length on the indulgence of the House by discussing the general principles of colonial administration, because he quite agreed in the view taken with respect to them by the right hon. Gentleman the Member for the University of Oxford. He would confine himself to the questions actually involved in the Motion of the hon. Gentleman the Member for Berwickshire. These questions were —first, whether there should be an inquiry into the colonial policy of Great Britain; and, secondly, if there ought to be such an inquiry, by whom it ought to be conducted. Now, was there a case for inquiry? The hon. Gentleman the Under Secretary for the Colonies said there was no case for inquiry. He maintained that the colonial policy of the British empire was perfect; that nothing could be better than the conduct of the Colonial Office; and nothing more admirable than the appointments made by it. Such might be the opinions of hon. Gentlemen connected with the Colonial Office; but there was a growing conviction, in the House and the country, that there were grave errors and defects in the colonial policy of the British empire—there was a growing distrust of the Colonial Office, and a growing feeling that not over much reliance was to be placed in its statements. Now, which of these two sets of opinions was correct? Rightly to answer the question it appeared to him to be sufficient to count over the most important events which had happened in our most important colonies within the last ten or fifteen years. It was fair to judge of a system by its fruits—and what had been the fruits of our recent colonial management? In our North American colonies there had been, within the period to which he referred, a war of races, two rebellions—one in Upper, the other in Lower Canada, both of them suppressed at great cost; there had been, he knew not how many, constitutions suspended, and at the present moment, the war of races seemed to be on the eve of renewal. In the West India colonies, there had been universal ruin of the planters. The constitution of Jamaica had been proposed to be abolished. In two colonies, British Guiana and Jamaica, the supplies were stopped. In St. Lucia there had been insurrectionary riots, and all over the Antilles there brooded a discontent bordering on despair. In South Africa there had been an interminable series of border feuds between the settlers and the savages, and two wars attended with lavish expenditure and discreditable results. Three times, too, the Boors had revolted, intent on escaping from the hated dominion of Britain; and, lastly, we had made the acquisition of a vast desert and useless empire, inhabited by wild beasts or wilder savages. In Ceylon there had been abuse of patronage, official inaptitude, lavish expenditure, financial embarrassments, riots and martial law, military executions and punishments, which were a disgrace to England. In Australasia we had planted communities more thoroughly vicious than any of which mention was made in ancient or modern history, while in New Zealand they had suffered from imbecile governors and discreditable wars with the natives. Some of these events had occurred since this time last year. Such were the apparent renewal of the war of races in Canada—the stoppage of supplies in Guiana and Jamaica—the rebellion at the Cape of Good Hope, and the melancholy events in Ceylon. During the more extended period to which he had alluded, we could not have laid out less than 60,000,000*l*. on our colonies. For that sum three millions of emigrants could have been conveyed to Australia, and nearly double the number to the Canadas. But what was the state of facts? There were not above 1,600,000 labourers of British extraction in all our colonies, and our export trade with our dependencies did not much exceed that of the United States with those same possessions. Therefore, it was evident that the most striking consequences and results of the present colonial policy had been war, rebellion, recurrent distress, dissatisfaction, and extravagant expenditure. If, then, it were fair to judge of a tree by its fruits, there must be some grave errors in the colonial system of the British empire. What, then, were the causes of those errors? He assumed that the House was most anxious for the good government and well-being of the colonies, and most anxious to do all in its power to promote the happiness, contentment, and prosperity of our colonial fellow-subjects. Therefore, if grave errors should be found to exist in our policy, they must arise, not from any ill-will to the colonies—not from any disregard of their interests, but from a want of knowledge of the sound and true principle of colonial policy, and a consequent ignorance of the measures necessary to enforce it. Believing that a case had been made out for an inquiry into the precise nature of the errors in the colonial system, with a view to the application of a fitting remedy, he should vote for an investigation. The hon. Member for Berwickshire proposed that this inquiry should be conducted by a Select Committee of that House; but he (Sir W. Molesworth) doubted whether a Select Committee could well perform the duty. Without an intimate knowledge of the affairs of our colonies, he doubted whether a Committee upstairs could conduct such an investigation with much advantage. To ensure the proper conduct of such an inquiry, he was of opinion that a commission, consisting of not more than five persons, but who had carefully considered colonial questions, should be appointed. The recommendations of such a commission might be made the basis of sound reforms in our colonial system. But, should the House agree to the Motion of the hon. Member for Berwickshire, he (Sir W. Molesworth) felt persuaded that the Committee would discover that the best course which could be taken would be the appointment of a commission such as he had proposed; and if such a recommendation came before the House he should give it his support.

Major BLACKALL thought it had been agreed in the course of the debate, that the best thing which could be done for the colonies was to give them representative government, or, in the words of the hon. Member for Montrose, to leave them to themselves; but the hon. Baronet who had just sat down, had told the House, that last year, in what might be called the model province of Canada, a new contention of races had been commenced. The Motion of the hon. Member for Berwickshire, so far as it went to inquire into the political and financial relations between this country and her dependencies, might be a necessary one; but he (Major Blackall) thought the House should rather ask itself whether the general policy of this country towards our colonies had been such as to secure their affection to the mother country, and contentment to themselves. He remembered to have heard the noble Viscount the Secretary for Foreign Affairs say in that House that treaties must be made binding on parties either through fear or interest. Now he thought that rule might be applied to this country and her colonies; to keep the colonies attached to us, we must appeal either to their fears or to their interests. But were we attaching our colonies to us through their interest? The colonies complained of ill treatment; amongst other grievances, as the hon. Gentleman the Under Secretary for the Colonies had stated, the one upon which they most dwelt was the injury they had suffered through the operation of free trade. Now he (Major Blackall) did not think the colonists were suffering from free trade. In his opinion they were suffering because this country was forcing them to contend with a monopoly. We did not allow the produce of our colonies to come freely into this country, and they, therefore, had not the advantage of free trade. We would not allow slave labour in our colonies, but we forced those colonies to compete with the slave labour of other countries. Without wishing for a moment to be understood as desiring a recurrence to a system of slavery, he must be permitted to say, that in endeavouring to put it down we were only increasing its horrors, whilst at the same time we were admitting the produce of slave labour of other countries. The question was not one of differential duties—the colonists were unable to contend with the monopoly with which they had been placed in competition. With respect to our colonies generally, he thought it unfair to heap upon the Colonial Office all the faults which occurred in their administration. He had seen and heard enough with respect to a pending investigation into the affairs of a particular colony, to be assured that it was not owing to any improper interference on the part of the Colonial Office, but to local circumstances, that dissatisfaction prevailed, and that that dissatisfaction would continue, whether the control of the colony were invested in a board composed of retired governors, or of a commission composed of persons in this country. Reference had been made to the expense which our colonies were to us. Now, he would ask, were there any colonies, except our garrisoned colonies, in which a large force was kept up? Were there any colonies in which a large reduction of force could be attempted? The hon. Gentleman the Under Secretary for the Colonies had stated that, in the course of time, a reduction in our defensive establishments might be looked for in our West India colonies. But could we at this moment make reductions in New South Wales or Ceylon? [Mr. Hume: What do you want them there for?] Was not Ceylon worth the holding? Look at the harbour of Trincomalee. Were hon. Gentlemen prepared to give up the colony? If they were not, what case would the country be in if we had not forces out there? With respect to the second branch of the inquiry proposed to be submitted to the Committee—the enlarging of the functions of the colonial legislatures—he did not think that the necessity of that extension had been proved in every case. With respect to the colonial government generally, he was of opinion that we should attach our colonies to us by the ties of interest. Let not those colonies be treated as step-children, but as the children of this country. By adopting such a course our colonies would not only be encouraged to send us their produce, but to take our manufactures in return.

Mr. SCOTT then rose to reply. He observed, that no one who had heard the debate just about to close could entertain the least doubt that there was much difficulty in the government of our colonies, and he wished to have the causes of that difficulty investigated. It had been stated by an hon. Member opposite, that in the colonies which possessed legislative assemblies, those bodies possessed full control over the public purse. Now, that was part of the matter at issue, for one of the most important grounds of complaint was, that those assemblies did not possess the degree of control which ought to belong to them, and, in some cases, no control whatever. The mode of inquiry he had suggested had been objected to; but if a Parliamentary inquiry were not the proper medium in such a case, he was at a loss to conceive what was. He was fully sensible of the difficulty and complexity which surrounded the subject; but it was because he recognised those features in it that he proposed to refer it to a Select Committee.

The House divided—Ayes 34; Noes 81: Majority 47.

SMITHFIELD MARKET.

Mr. MACKINNON said, he rose to move for a Select Committee to consider the propriety of the removal of Smithfield market, as being a public nuisance, to a more convenient site. He would not detain the House more than a moment, whilst he merely made his Motion. A Committee had formerly been appointed to consider how far it was expedient to remove Smithfield market, and the Chairman had merely reported that the subject required further consideration, and that it was desirable that the Committee should again be formed. No Committee had been formed last year; and this year the Chairman of the former Committee, who was himself unable from bad health to attend to his duties, had requested one of three individuals to move for the reappointment of the Select Committee. Lord Ashley had been applied to to bring forward the Motion, but had declined; Mr. Sidney Herbert had also declined, on account of ill health; and it had therefore devolved upon him (Mr. Mackinnon) to comply with the request of the late Chairman, and move for this Committee, which he proposed should consist of Lord Robert Grosvenor, Viscount Mahon, Mr. Bramston, Mr. Alderman Copeland, Mr. Masterman, Mr. William Miles, Mr. Yorke, Mr. Stafford, Mr. Pugh, Mr. Mackinnon, Sir Edmund Filmer, Mr. Cornewall Lewis, Sir Charles Douglas, Mr. Childers, and Mr. Christopher. He would also give notice, that he would move the addition of two more names—the Earl of March and Mr. Ormsby Gore.

Motion made and Question proposed—

> "That a Select Committee be appointed to inquire into the necessity of the removal of Smithfield market, as a nuisance in the centre of the British Metropolis, to some appropriate site or sites, containing an area of not less than twelve acres, and the establishment of abattoirs in the vicinity of London."

Lord J. RUSSELL said, the hon. Gentleman had altered the Motion which he had put upon the Paper; and, as far as he could collect the import of the precise Motion just read by the Speaker, it would appear that the hon. Gentleman asked the House to determine the question that Smithfield market should be moved, and another site found for it. Now certainly, if anything of this kind was implied in the terms of the Motion, the Motion ought to have been regularly entered among the notices, as the House ought generally to be aware of the nature of the Motion before it was asked to come to a decision.

Mr. MACKINNON said, his hon. Friend the Member for the city of London had wished him to alter his Motion in the terms he had done, as being the terms of the Motion upon which the original Committee was formed.

Lord J. RUSSELL submitted to the hon. Gentleman, whether he had not better postpone to another day his Motion for a Committee, that the regular notice might be given of the altered terms in which it had been brought forward.

Mr. MASTERMAN said, his hon. Friend the Member for Lymington had alluded to him as having suggested that it would be better that the terms of the Motion should be the same as those used last year. The corporation of the city of London would not shrink from any inquiry respecting the removal of the market; at the same time they would deprecate anything in the Motion that would tend to prejudice the question.

Sir E. FILMER had belonged to the former Committee, which had not come to the conclusion that the market was a nuisance; they had not found sufficient evidence for deciding either the one way or the other; and, therefore, they had only suggested that the Committee should be revived.

Mr. MACKINNON said, as the alteration suggested by the hon. Member for the city of London had not met the approbation of the noble Lord at the head of the Government, he saw no reason why he should not go on with his Motion in its original shape, as it stood on the Paper.

Mr. ALDERMAN SIDNEY did not stand there to represent the corporation of the city of London; but he could express their sentiments by saying, he was sure they would not object to any inquiry into the state of Smithfield market. If the market was now complained of as a nuisance, it had only become so in the course of time; and it should be remembered, that when first established, it formed part of the suburbs of London, and now the metropolis encircled that part. Much had been said in the newspapers condemnatory of the attachment of the citizens to this so-called nuisance; but he thought it would be found that, with the exception of the market being too crowded, and not large enough for the purpose, and the streets being somewhat incommoded by its being held there, no other evil results arose from the market. He must express, on behalf of the citizens, that they would have no objection to the House passing an Act, authorising the removal of the market to another place in the neighbourhood of the metropolis; but they did say that if the Legislature chose to pass a measure making its compulsory to close that market, then it would be but right for the House to bear in mind that they would have to pay a considerable sum to the citizens to compensate them for the loss of the market, as such an event would cause very considerable destruction to the interests of individuals and property in the neighbourhood. The citizens, as citizens, he repeated, did not object at all to inquiry; but they would object to the asking for a Select Committee in terms that would at once prejudge the question.

Motion, by leave, withdrawn.

Select Committee appointed, " on the removal of Smithfield market."

VAN DIEMEN'S LAND.

On the Order of the Day for going into Committee of Supply,

Mr. ANSTEY moved—

> " An humble Address to Her Majesty on the subject of certain illegal ordinances or acts of Council for the taxation of the people of Van Diemen's Land—the attempts of Lieutenant Governor Sir W. Denison to intimidate the judges of the supreme courts of that island into declaring such ordinances or acts to be legal, and the grievances complained of by the colonists of that island in their petition presented last year to Her Majesty, and printed by order of this House; and that Her Majesty may be pleased to direct the local authorities in future to respect the independence of the judicial functions of that court, and also to signify Her disallowance of any ordinance or act subsequently passed by the said Lieutenant Governor in Council, for giving to such illegal ordinances or acts the force of law."

The hon. Member also presented a petition which was signed by 1,570 most respectable colonists of Van Diemen's Land, and said, the allegations contained in it might be verified by reference to the statements put forward by Sir W. Denison himself, in his own defence. In a letter dated Feb. 18, 1848, Sir W. Denison informed Earl Grey that the judges of the supreme court had decided that the Act 9 Geo. IV., c. 83, under which alone the legislative council could proceed, had been violated by the council with respect to a large amount of taxation; that in consequence of this violation the act of the council was a dead letter; and that actions had been brought successfully against the officers of the Government to recover money which had been illegally levied. To secure the colonists against arbitrary taxation, it had been provided that no taxing ordinance should be legal until the money levied under it were appropriated to local purposes, to be specified in the act of council; and the House would recollect that the colonists had always resented the withdrawal of local funds by the Colonial Office to be appropriated to imperial purposes of police; for example, to maintain the costly and pernicious system of transportation. As regarded the matter under consideration, an application was first made to the Governor to authorise the appropriation of a portion of the taxes to local purposes. The law officers of the Crown were of opinion that the whole of the money must be paid into the Imperial Exchequer; and, in consequence of that decision, the colonists appealed to the supreme court, which decided that the legislative council had acted illegally. In this state of things, Sir W. Denison, having, in fact, no legislative council to assist him —since the judges had decided that the members of it were not properly nominated—proceeded, according to his own statement, to consider how he could remove from office those who administered the law. With this view he called upon the judges to furnish him with copies of their judgments—a demand with which one of them, Sir John Lewis Pedder, at first refused to comply; but finding that his non-compliance was misconstrued, he did at length furnish a copy of his judgment under protest. He would, however, exclude Mr. Montagu's case entirely from his present Motion, and confine what he had to say entirely to that of Chief Justice Pedder. The Lieutenant Governor, speaking of this learned judge, admitted his character to be above reproach, and also his learning and attainments to be sound. That judge deserved, in every respect, the high character given of him. There was only one opinion throughout the whole island as to his uprightness and qualifications; and yet this was the judge that Sir W. Denison thought fit to suspend from his office. The course suggested to Sir John Lewis Pedder by the Governor was to ask for leave of absence for eighteen months, on a sham plea of illness; and during that interval the question raised by his decision could be submitted to the Colonial Office, and decided. But Sir John Lewis Pedder refused to lend his sanction to such a fraudulent proceeding, notwithstanding it was proposed to him that he should draw his full pay during his absence, and that the Attorney General (who had already argued the disputed points and had been defeated on them) should fill his seat in the interim. The Governor averred in his despatches to the Colonial Office that he had no other course left him, because the Privy Council had refused to take notice of any appeal in which the sum at stake was less than 1,000*l.* But this was not true, for Lord Brougham had declared that when a point of law or a principle was involved, the Privy Council could not refuse to hear an appeal, so that the person who advised the Lieut.-Governor was guilty of bad faith, or else the Governor himself acted on his own discretion, and in so doing violated the principles of justice. However, proceedings were taken to remove Sir John Lewis Pedder from his office, and he was summoned to plead to the charges brought against him before the bar of the Executive Council. He applied for leave to appear by counsel, but that was refused him, and he consequently pleaded in person before the Council, which was composed of the police magistrate, the colonial treasurer, and a person styled the superintendent of convicts, or some such name. After having been heard by the Executive Council, these persons were constrained to say, that they were of opinion he had acted in the matter through misinformation, and not wilfully or with evil intent, and therefore they pronounced him not guilty. The Governor, then, availing himself of colourable circumstances, called together a Legislative Council, and passed what he called a short Bill, whereby he legalised his own proceedings, which the chief justice and the puisne judge had declared to be illegal, and to this enactment was appended a minute, whereby the Governor informed the Council that if the Imperial Parliament took a different view of the case to that which he had adopted, the present enactment might in that case be repealed. So far from the present Government having done anything for the pet colony of Van Diemen's Land, which was legislated for, not by Parliament, but by the Colonial Office, he found by a despatch which he had received six weeks ago—although the Colonial Secretary had not yet received it—that the illegal ordinances to which he had referred, and which were passed in contravention of every principle of law and justice, were still in operation, and the harvest which they yielded was still being gathered in. When they considered that Van Diemen's Land had no representative institutions, and no free government, but was legislated for by the Colonial Office solely, he did say that it behoved Parliament to institute a searching investigation; and he called upon hon. Gentlemen to read the papers which had been wrung from the Colonial Office backwards, like a witch's prayer, for by such means alone would it be possible to get at anything like a true statement of the facts. He had now briefly stated the proceedings in the case which he had brought under the notice of the House, and he called upon the hon. Gentlemen opposite, the Under Secretary for the Colonies, to corroborate or contradict his statements. The present case afforded an illustration—and a very grave illustration—of the charges of maladministration which had been brought against the Colonial Office, in the management of colonies under the immediate ken and control of that Office; and under these circumstances he felt bound, in the discharge of his public duty, to press his Motion to a division.

The Motion did not meet with a seconder, and it accordingly fell to the ground.

The House then went into a Committee of Supply *pro formâ*, and obtained leave to sit again.

Mr. HAWES said, that the Motion of the hon. and learned Gentleman the Member for Youghall had come to a most unexpected conclusion, and one which he certainly had not anticipated. He could assure the House that he was prepared with a most complete answer to the allegations of the hon. and learned Gentleman, and if it would not be infringing the rules of the House, he should really like to give a short explanation. [*Cries of* "No, no!"] Of course he must bow to the decision of the House, but he must repeat that he was prepared with a full vindication of the Colonial Office.

Mr. DUNCAN said, if the hon. Under Secretary were really anxious to give an explanation, it was quite open to him to have seconded the resolution. Why did not the hon. Gentleman adopt that course, which would have enabled him to make a reply to the charges brought against the Governor of Van Diemen's Land? As the matter stood, it certainly appeared to him a most extraordinary circumstance.

The House adjourned at Twelve o'clock.

HOUSE OF COMMONS,

Tuesday, April 17, 1849.

Minutes.] New Member Sworn.—Melville Portal, Esq. for Southampton County (Northern Division).

Petitions Presented. By Mr. Hume, from Taunton, Somerset, for Counting the Number of Constituents represented by hon. Members, and not the Votes of the Members individually, on taking Divisions of the House.—By Mr. Stafford, from Weldon, Northamptonshire, and by other hon. Members, against the Parliamentary Oaths Bill.—By Mr. Benjamin Smith, from Dunfermline, for the Affirmation Bill.—By Mr. Scholefield, from the Protestant Dissenting Church and Congregation meeting in Heneage Street, Birmingham, and from several other Places, for Separation of Church and State.—By Mr. Trelawny, from Llangollen, County of Denbigh, and from Glyndyfrdwy, Merionethshire, for the Abolition of Church Rates.—By Mr. George Thompson, from Market Weighton, Yorkshire, and by other hon. Gentlemen, for the Clergy Relief Bill.—By Sir John Yarde Buller, from the Parish of Seaton, and from other Places, in Devonshire, and by other hon. Members, against the Marriages Bill; and by Mr. Compton, from several Places, and by other hon. Gentlemen, in favour of the same.—By Admiral Gordon, from Foveran, Aberdeenshire, and by other hon. Members, against the Marriage (Scotland) Bill.

SALE OF LANDED PROPERTY IN IRELAND.

Mr. SADLEIR rose to call the attention of the House to the legal circumstances which unduly impede the sale of landed property in Ireland, and to those facilities which may be safely afforded for its free transfer. When he looked at the present condition of Ireland, the widespread destitution, and the sufferings of her population, and the resignation and patience with which they had borne the ravages of poverty and pestilence extending over two-thirds of the country; when he saw the difficulties into which her gentry had fallen, the insolvent circumstances of her traders, her hierarchy reduced to a degrading poverty, her clergy and medical men cut off in the performance of their duties, by a direful pestilence; when he observed the diminution in the financial circulation of the country, and saw the cruelties perpetrated in the name of charity under the operation of a vicious poor-law; when he saw the cultivator of the soil going out by moonlight to till the land, and in the morning yielding to the poor-law collector, who would take no excuse, his farm horses and implements of husbandry, to satisfy the cravings of a system which paralysed industry and wasted the best resources of the country; when he looked at the sessional policy of Her Majesty's Ministers, and the spirit in which they had received every remonstrance from Ireland—he trusted that he might claim, with confidence, the generous indulgence of the House while he called its attention to the legal circumstances which unduly impeded the sale of landed property in Ireland, and those facilities which might be safely afforded for its free transfer. Owing to the want of proper facilities for the transfer of landed property in Ireland, the application of capital and agricultural science to the improvement of the land and development of its resources was greatly impeded. He would just call the attention of the House to one single passage in the report of the Committee which sat in 1846, for the purpose of considering how far the burdens on land in this country could be diminished, with the view of counteracting the effects which the adoption of free trade must for a short period have upon the value of landed property. The Committee complained that the transfer of landed property in this country was subjected to expense by the law, which, in the opinion of the Committee, greatly diminished the maketable value of the land itself. Now, if such a difficulty were felt in this country, how much more disastrous must it prove in Ireland, where land was so much encumbered, and where a different law prevailed with regard to its transfer! Mr. Pymm, in his valuable work on the condition of landed property in Ireland, attributed much of the prevailing distress to the cumbersome and expensive machinery which attended its transfer; and there could be no doubt that the delay, difficulty, and expense attendant on the complex devolution of Irish titles, amounted to a flagrant and crying evil. No power existed there of instituting what was known in England as a foreclosure suit. Every encumbrance, however old, must be kept alive. The most recent mortgagee was compelled, for his own safety and protection, to trace and enrol the claim of the party who had the most remote and indefinite interest in the property—a system which was exceedingly costly, and subjected the transfer of the property to much legal chicanery, and served only to extend and keep up litigation which could benefit no party. Under the existing system every individual who had a remote or indirect interest in the property, had to be brought before the Court of Chancery in Ireland. In the course of these proceedings every fact might become the separate subject of a small equity suit; and after a reference to the master's office, the selling value of the property was generally diminished 30 per cent. As many as 180 "charges" had been known in the case of one estate—a "charge" being analogous to a small bill in equity, to which a "discharge" must be filed by way of answer. When the report was made, exceptions and objections were taken to it, which gave rise to a new source of litigation; and even when the matter came before the Chancellor in such a shape as to enable him to pronounce a decree for the sale of the property, a subject for bitter contest again presented itself on what were called the "notes" of the decree. The unfortunate estate was then again turned into the master's office; the master, besides being a professed lawyer, an accountant, an experienced conveyancer, and a stockbroker, must be a land auctioneer. He had to settle the conditions of sale, which, in nine cases out of ten, required that the purchaser should not object to the title on account of some obscure will. The tendency of the conditions of sale and the state of the law by which real property was disposed of in Ireland, was calculated to produce much mischief. The practical effect was to involve every purchaser of land in Ireland in continued litigation. The consequence of the imperfect system of registration, and the total want of the registration of incumbrances on land, and of judgment debts, materially impeded the sale of property in that country. He would venture to assert that a more obscure Act did not exist than the 7 and 8 Vict., cap. 9, commonly called the Judgment Debts Act, for it was not possible to get a barrister who would undertake to give a positive opinion as to the construction of that statute. The consequence of such a state of things must be to impede the sale of land in Ireland. No man would purchase landed property when the disposal of it was hampered with such difficulties and risks. The proceedings taken in the master's office for the sale of estates were directly opposite to those which any prudent or sensible auctioneer would recommend. As it was, the estate was advertised for sale on a particular day and at a specified hour, when the sale must take place, according to the rule of the Court of Chancery. Any attempt on the part of an intending purchaser to obtain an insight into the nature of the title of such an estate, previous to the sale, always proved unavailing. This, in point of fact, was calling upon a party to purchase a pig in a poke. He submitted that the estate should be advertised for sale at a particular time, and if it was not sold at a certain price then, that the master should be allowed to treat privately with purchasers subsequently to that date; and, although it might be the result of a prolonged treaty, that there should be no restrictions as to private sale. If the master declared a party had offered the value, he should receive the estate, although it had not been again exposed to public competition. There was scarcely a limit to the check on the transfer of land in Ireland caused by the present system of conveyancing. He conceived that the whole of the stamp duties with respect to the transfer of property should undergo revision; and he hoped that the Chancellor of the Exchequer would consider whether it would not be better to impose some charge upon landed property in place of those stamp duties which were now imposed upon a landed property every time it changed owners. He did not think that an estate worth 1,000*l.* a year should be constantly subject to stamp duties every time a portion of it was sold. He warned the House of the danger of legislating with reference to questions purely Irish, but more especially those which had relation to the tenure of land, without a perfect knowledge of the nature and operation of the laws of real property in that country—he warned them not to legislate without consulting practical men, well versed in the laws of real property in Ireland. He gave every credit to the learned Solicitor General for the introduction of the Encumbered Estates Bill of last year, but it was now admitted to have been a failure. He (Mr. Sadleir) had repeatedly said that the operation of that measure would rather tend to impede than to facilitate the sale of encumbered estates, and the operation of it had positively hindered the investment of capital on mortgage of estates in Ireland. It was impossible that any man could safely invest his money in this way so long as this Act remained in force. There were estates in Ireland the nominal proprietors of which had as much interest in them as the Emperor of China. There were estates in Ireland with which he was acquainted, which, taking the highest value which could be placed on them, were wholly unable to repay the principal and interest charged upon them. Under such circumstances, what interest could the inheritor have in them? As the hon. and learned Solicitor General was about to introduce a Bill for the amendment of the law of last year on this subject, he hoped that a clause would be introduced to remove an inconvenience resulting from the present statute. According to the opinion of the Attorney General of Ireland on the construction of the Act for the sale of encumbered estates, if a mortgagee of an estate wished to transfer his mortgage, he was bound to furnish searches to the party to whom it was to be made over for judgments against himself, and he was bound to show that there were no judgment debts against himself. The unfortunate effect of this was, that no man would take a mortgage on an estate in Ireland. He did not think that a judgment against a mortgagee ought to be allowed to affect the transfer of a deed of this kind; for it operated not only to prevent the transfer of land, but also to throw obstacles in the way of the investment of capital on the security of land. It was by affording capitalists every facility to make such transfers that they would inspire them with confidence in the security of such investments. He wished the House to bear in mind that, with regard to the condition of Ireland, there was nothing of more importance than the state of the law affecting the sale of landed property in that country. So long as they hesitated to deal with the land question, all their measures for the alteration and improvement of the poor-law—all their plans for the extension of the suffrage—all their proposals for the extension of the same municipal system to Ireland which existed in England—all their exertions to place a limit to the amount of the poor-rate, and to exempt estates from being overwhelmed by the arrears of rates — would fail. If they determined to administer the encumbered estates through the medium of the Court of Chancery, under the operation of any measure like the Act of last year, they would inevitably fail. He believed the present system only led to increased confusion. He could not see why two or three gentlemen, acting on a commission, and well acquainted with the subject, could not proceed in such a manner as to overcome all the difficulties which now appeared to be insuperable; they would ascertain, in a short time, the amount and character of the incumbrances and title which now took years to investigate in the Master's Office. When this was done, they might confer on purchasers a primitive and perfect title; and that in the most simple form. They might make as clear a title to land as if it were the first acre of land saved from the waters of the deluge. The purchaser would want no title deeds; for all that would be requisite would be a transfer from the commissioners —duly registered by them. By the adoption of such a course, all the difficult questions which now occasioned so much vexation and trouble in the Court of Chancery, with regard to incumbered estates, would be got rid of. As long as the present system with regard to landed property existed, the evils resulting from it would produce much greater mischief than any that resulted from free trade, from the failure of the potato crop, or from the operation of the poor-law. He would refer the House to the opinion of Mr. Senior, a most able conveyancer, and for several years a Master in Chancery, who had strongly expressed his opinion as to the state of the law, which was productive of so much mischief in England, and of infinitely more evil in Ireland. That gentleman stated, with reference to the proceedings with regard to the transfer of landed property in England—

> "I am aware that the system of conveyancing imposes great difficulty, great expense, great delay, and great uncertainty upon the transfer of land. There is scarcely a title marketable in the legal sense of the term, meaning a title without a flaw; scarcely any title that is not subject to some legal doubt. A man who has agreed to sell a field for 300*l.* does not know that he has not contracted to spend 500*l.* in proving his title; while he who has agreed to buy, does not know that he has not contracted to spend 500*l.* in getting the title proved. England is the only civilised country requiring a sixty or even a forty years' title. In every country but this the transfer of property is made through a notary's book. In every country but this the land is transferred in the same way as stock."

One thing was manifestly essential: to remove all questions touching incumbered estates from the Court of Chancery, the procedure of which imposed upon every estate an overwhelming amount of costs, under the most futile pretexts. For example, in the case of "Gardiner *v.* Blessington," there were filed 188 "charges" for debts, the debts being generally wholly undisputed and indisputable. In another case, which the Master of the Rolls had himself denounced as a disgrace to the Court of Chancery, and which, after 20 years' litigation abated by the death of the plaintiff, the costs incurred amounted to no less a sum than 20,000*l.* In another case, the costs amounted to no less than 62 per cent on the whole rental of 500*l.* per annum in litigation. He (Mr. Sadleir) had in his hand a return very indicative of the condition into which agriculture was rapidly falling in Ireland. This was a return from some extensive lime quarries in one of the most flourishing agricultural districts in Ireland. Those quarries were situated in the county of Kilkenny. In 1845 those quarries sold 110,223 barrels of lime, but since then there had been a gradual diminution in the amount in each successive year, and in the last year, 1848, the sale had fallen to 24,793 barrels. He could not state to the House a fact which established more clearly than this how rapidly the agricultural interest of Ireland was falling. It might be thought an exaggeration, but nevertheless it was true, that twenty years was not an unusual period for suits in the Irish Court of Chancery to extend to, when they related to the sale or transfer of landed property. Indeed he knew of some cases in which the litigation had extended to a longer period. The hon. and learned Member next touched upon the subject of ejectment; and, by way of illustrating the great length to which proceedings under that process extended, he exhibited to the House an immense sheet of paper, which appeared to be closely printed, and which, the hon. Member observed, could be compared to nothing but a double supplement of the *Times.* This, he begged to assure the House, was a genuine document in a recent ejectment case; and, notwithstanding its inordinate length, the pleader who drew it said that some forty or forty-five demises had been omitted, which, in strictness, ought to have been inserted. The hon. Gentleman next proceeded to show how the interests of a landed proprietor might be sacrificed, even in an amicable suit in Chancery, when it was a proceeding by a friendly creditor, conducted in the most feeling and economical manner, so as to empower the sale of a portion of the estate, in order that the residue might be enjoyed free from the claims of mortgagees and creditors. By the kindness of a friend of his, a solicitor, he had been favoured with the particulars of the case. The bill was filed in 1833, the suit having been instituted to effect a sale, as speedily as possible, of a portion of the estate, to pay debts then amounting to 17,000*l.* Now, during the progress of that suit there were nine bills of revivor and supplementary bills, and twenty-three answers filed. In the course of nature a defendant occasionally died; and on the death of a defendant, however amicably disposed his representatives might be, a bill of revivor became necessary. A decree to account was obtained in 1836, being three years after the commencement of the suit, and it was only by the most extraordinary energy and exertion that such a decree could have been obtained within that time. Thirteen charges were filed in the master's office, and a decree for the sale of the property was obtained in 1839, so that the proceedings were in the master's office for only three years, an unusually short period in the history of Irish Chancery litigation. A portion of the estate sufficient to pay the debts was offered for sale in 1839, and that portion was bought for 25,000*l.* On account, however, of technical objections made by purchasers, great delay took place in endeavouring to complete the title. The purchasers, in fact, availed themselves of every possible technicality, and got out of the sale. The same lands, with the same title, and with the same conditions of sale, were set up in 1845, but not being then likely, from the fall in the price of land and from the libels upon the title, to produce enough to pay the debts, more land was added, and a sale was effected at a loss of 27 per cent. According to the practice of the court, a purchaser, on being declared the buyer, is compelled to lodge one-third of the purchase-money which is invested; and the money so invested in this instance, amounting to 22,369*l.*, when it came to be distributed among the parties entitled to receive it, produced, owing to delay and fluctuations, only 19,600*l.* He had omitted to mention, that although this suit was instituted in 1833, the property in question had been for a long time previously under the control of the court, and managed by the receiver of the court for twenty-six years, in which time the amount of rents received was 78,000*l.* The interest upon the debt, 1,000*l.* a year, amounted during that time to 26,000*l.*, and this would leave 52,000*l.* to pay the principal and all expenses. The House would have no difficulty in conjecturing the way in which this estate had been managed, when, after twenty-six years of Chancery superintendence, it became necessary to sell a large portion of it for the purpose of paying the debts. The aggregate loss was 11,960*l.*, being more than half the original debt; and all this was owing to the working of the system on which encumbered estates were dealt with through the intervention and machinery of the Court of Chancery. He contended, that if the Legislature persisted in leaving encumbered estates to the jurisdiction of that court, they would be inflicting great injustice upon the owners of such properties in Ireland; they would bring ruin upon creditors who had advanced money upon the security of such properties; they would be acting a cruel and disgraceful part towards the tenant-occupiers upon those estates, and they would be contributing much to the increase of those great and alarming evils which were at present shaking the very foundations of society, even in the most favoured districts of Ireland. As the hon. and learned Gentleman the Solicitor General for England proposed to introduce a Bill to amend the Encumbered Estates Act, he (Mr. Sadleir) might take that opportunity of impressing upon that hon. and learned Gentleman a few facts connected with the present operation of the law, and which, perhaps, might aid him in rendering the Act in some degree ameliorative of those evils of which all parties had just cause to complain. Perhaps the attention of the Solicitor General had been directed to the case of Goldsmith *v.* Glengall, which was what was called an Irish creditors' suit—that unfortunate proceeding in which it became necessary to bring before the court all parties beneficially or remotely interested in the estate. In that Irish suit there were no fewer than 180 defendants. Application was made to the Master of the Rolls to stay all other suits which might be then in prosecution for the same purpose, so that all might become merged in this creditors' suit, and a title might be obtained satisfactory to purchasers. In that suit constant reference was made to the Encumbered Estates Act of last Session. The Master of the Rolls, in giving judgment, expressed himself to the effect that he was there to administer the law as it was, and not as it ought to be; that he had himself prepared a short Bill, the effect of which would have been to diminish the number of defendants to three or four in such a case; but that in these matters the suggestions of practical men were disregarded and set aside, and the opinions of English conveyancers relied upon instead, which threw the whole of the proceedings into confusion. He (Mr. Sadleir) also held in his hand the opinion of a member of the Irish bar, who was also, he believed, a member of the English bar, and who had had great experience in every thing connected with the law of real property in Ireland. The hon. Member here read the opinion, the leading points of which were, that the provisions of the Encumbered Estates Act, which authorised sales out of court, were clogged with so many safeguards against possible frauds, and so many formalities to complete a title, as to be practically inoperative, and that a sale was much more complex under these provisions than under the authority of the court; that under the operation of the Encumbered Estates Bill, before an encumbrancer could proceed he was bound to pay off prior encumbrancers not only what was due to them, but what they said was due; that as matters now stood, it was better to proceed under the old and known law, than incur the hazard and risk of acting under the measure of last Session; and, finally, that that Act, unless greatly modified, would become a dead letter as regarded those for whose benefit it was passed, and those who would seek to put it in motion. That was the opinion of a gentleman of the Irish bar practically conversant with the subject. It appeared to him (Mr. Sadleir) that the evils of the present system were so intolerable—that they imposed such a burden upon landed property in Ireland, and were so calculated to impair its value—that any efforts to administer the estates through the Court of Chancery, by legislative interposition, which did not go to the constitution of some commission or board, the duty of which should be to deal expressly with the peculiar circumstances of the estates, to ascertain the nature of the title, and which should have the power of conferring a new and Parliamentary title—any proposition which did not go that length would be found insufficient to cope with the exigency of the case, and wholly disproportionate to the difficulties with which it was beset. Some Gentlemen had, he thought, evinced rather too great haste in repudiating the notion of constituting a local board or commission, with a view of dealing on the spot with evils which had arisen to such height that a spirit of more than ordinary courage and self-reliance was now required to encounter and conquer them. The hon. Gentleman then read an extract from the Committee of Inquiry of 1833, recommending that, in consequence of the redundancy of labour in Ireland, a board should be appointed with the necessary powers for carrying into effect a comprehensive system of national improvement, and that that board be empowered to appoint commissioners to make a survey, valuation, and partition of waste lands in Ireland. There was sufficient evidence of the value of those waste lands. Sixty years ago, Arthur Young had borne testimony to it. Last year, moreover, a Committee of the House of Commons reported that the evidence went to show not only the necessity of these lands being brought into cultivation, but for the appointment of a board with summary powers for bringing that plan into operation. He (Mr. Sadleir) had no doubt that this would be perfectly practicable, and that the appointment of a board, rightly constituted, with full and comprehensive powers, would afford the most direct, speedy, and safe means of dealing with the social condition of the people of Ireland. He had no doubt that such a board would easily ascertain the encumbrances on the estates, and the real value and resources of the property, and provide for their better management. If such a board had practical powers to effect a complete transfer of the property, the legitimate means might be easily conceived and devised of affording to landed proprietors greater facilities of obtaining money from capitalists. If the law of real property was altered so as to convince capitalists that in placing out their money on the security of land, they did so on a convertible security, and if landed property were rendered convertible in a mercantile sense, the greatest benefit would be conferred upon the landed interest of Ireland. Why not so reform the law? What practical objection could be urged against an alteration which would enable the capitalist or the banker to advance money on the mortgage of land in Ireland, and would confer upon him a power by which, in default of payment, he should have a speedy and summary right of sale and purchase through the intervention of the sheriff, or some local officer? His notion of a comprehensive scheme was the introduction of a series of measures, each small in itself and unpretending in character; each, taken as an isolated measure, calculated to confer perhaps but limited benefit; but all united together as a connected system, the parts dovetailing one with the others, and all bearing upon one another, tending to give that fair and legitimate encouragement which capital and industry required. It was only by the introduction of such a series of measures as had been urged upon Parliament year after year, and recommended by commission after commission, that that legitimate encouragement could be given, which society in Ireland was justified in expecting, to the successful investments of labour and capital in developing the resources of the country. The right hon. Baronet the Secretary for Ireland introduced a measure with regard to tenancy in Ireland, which he (Mr. Sadleir) regretted to say was afterwards withdrawn; but he hoped that an early opportunity would be taken of again bringing it forward.

Sir W. SOMERVILLE said, the Bill had already been introduced into the House of Lords.

Mr. SADLEIR was happy to hear it. It was the condition of the tenant tenures in Ireland which greatly contributed to embarrass and obstruct industry. In no other country could so absurd a system be found. He had himself looked into the system of tenant tenures in many countries, and he found that of Ireland to be among the worst. In England the land was cultivated by a class of tenantry who had the protection of a simple and intelligible tenure. In nine cases out of ten it was a lease for a fixed term, or a tenancy from year to year, maintained and supported by local usage, by a spirit of confidence on the part of the landlord, and fidelity on the part of the tenant. These were the moral buttresses which gave a tenant all the encouragement which his industry required. How different was the case in Ireland! There, there were leases for lives renewable for ever in every possible variety, calculated to create litigation, heartburnings, and neglect, to repress industry, and to keep asunder the tenant occupier and his natural landlord. There, there were leases which not only discouraged industry, but administered to the worst passions of the people. Many of these leases were renewable, not upon payment of a pecuniary fine, or the delivery of a peppercorn, but upon conditions which must lead to solemn reflections as to the morality of the system, though some of them might excite momentary mirth. Hon. Gentlemen were under the impression that all leases for lives in Ireland were renewable for ever, as in England, upon payment of a fine generally equal to half a year's rent, the delivery of a pair of roast fowls, or a peppercorn; but he had one in his possession renewable for ever upon the fall of each life, on the condition that the tenant deliver to the landlord as much "Parliament whisky" as would make one hundred and seventy-two glasses of strong whisky punch. He asked the House whether this was a description of tenure which ought to be tolerated, or permitted to exist for one hour, in a civilised country, particularly where there had been a great temperance movement, peculiarly honourable to the Irish people. There were also leases for three lives renewable for one life; leases for lives and thirty-one years, leases for lives and years concurrently, and leases for years provided a life shall last so long. Then there were the collegiate leases. A vast mass of landed property in Ireland belonged to the provost and fellows of Trinity College, who, even in the present year, had sanctioned a system of tenure and of management which no private individual in England, or in Ireland either, would tolerate for a moment. They adhered to the pernicious system of sanctioning and encouraging the growth and spread of middlemen. In recent cases, where the college had it in their power to adopt, as their immediate tenants, the cultivators of their land, whose characters were unimpeachable and circumstances solvent, and who were anxious to pay the utmost occupation rent that could be reasonably imposed, they, in their wisdom, acting upon their system of management, actually sought in every direction to obtain a party to take the land much under that which the occupying tenants were willing to pay. At last they obtained a man willing to pay a lesser rent than the occupying tenants, and they had put this person into the invidious position of a middleman. Could any system be more objectionable than this? He thought, under such circumstances, it was the duty of Government at once to interpose, and insist upon the due and rational management of the college lands, to confer upon the board the power of granting agricultural leases for fixed terms of years, and to prevent the practice of establishing a middle interest. In other words, it was the duty of Government to see that the tenant occupiers were the immediate tenants of those lands. So it was also with the lands under the control of the Ecclesiastical Commissioners. Nothing could be worse than their management of the estates placed under their control. So also with the estates of Sir Erasmus Smith, and Sir Patrick Dunne's charities. No management could be worse. The same character was applicable to the management of the estates of some great absentee proprietors. He could name, however, several who had made great efforts to relieve the distresses of their suffering tenantry. But the most kind and spirited among them were the proprietors of too much land. The Marquess of Lansdowne, for example, was the proprietor of too much land in Ireland. If that noble Lord were to consult his own interest, the interest of the tenant occupiers upon his estate, the public interest, and the welfare and tranquillity of Ireland, he would denude himself, by every prudent means, of a portion of his landed possessions in that country. Nothing could be better than the noble Marquess's management of his estates in Meath and Queen's County; nothing could be more meritorious than the exertions he had made to alleviate the misery of the people who tenanted his estates in Kerry. But the effort to improve their condition was beyond the compass of any one man's power. The Marquess of Lansdowne was one of the most benevolent, humane, and judicious of Irish absentee proprietors; and therefore he had taken the liberty of mentioning his name publicly, as one of the most favourable instances of a great proprietor having done much for the people, though, for the sake of his tenants and the public, he believed the noble Marquess to be the proprietor of too much land in Ireland. Upon all these considerations he contended that it did not become Her Majesty's Ministers to excuse themselves from introducing measures calculated to assimilate the law in Ireland to that of this country, upon the ground that they involved great labour, and could only be accomplished by overcoming great difficulties. They had at least one great advantage in their favour, which more than counterbalanced the difficulties in which the social position of Ireland placed them. This was the anxious desire on the part of all classes, both in the House and in the country, to second any bold and honest efforts to ameliorate the condition of the people. They would not have to encounter any vexatious opposition in that House; on the contrary, they would find, among the independent Members, every disposition to encourage and support them in the introduction of such measures. He considered, then, that they had it in their power to convert the present exigency into a source of great prosperity; and he could not see any ground upon which they could decline the introduction of a series of measures calculated to emancipate the land from legal impediments. The protectionist party, he considered, ought to be the last to oppose measures calculated to improve the value of land. Could the financial reformers object to them? They wished to keep down expenses, and they cried out about the cost of government. Why, he would tell them that the expense of governing one native in Tipperary exceeded the cost of governing ten subjects in any other part of Her Majesty's dominions. The peace party could not object to them, because they were calculated to promote peace and encourage order. If, then, the noble Lord at the head of the Government, converted the feelings of dissatisfaction, almost amounting to hatred, which now poisoned and distracted the minds of the southern districts of Ireland, into feelings of confidence and gratitude, which was perfectly practicable by such measures, he would be enabled to withdraw the military from Ireland, and to abolish the police barracks, which were now necessary to sustain the resident gentry in those districts. Such a state of things would enable the peace party in every foreign Cabinet to point to the tranquillity of the people of Ireland and their prosperity, as an argument against war with this country. It was not, however, by raising up artificial defences through the poor-law, that they would effect the sale of landed property, or inspire prudent men with confidence in Ireland. Nor could they effect it by declaring that such and such districts only should pay a fixed amount of rate. Purchasers of land, cultivators of the soil, could never be obtained by such means. He was unwilling to revert to the subject of the poor-law; but he could not forbear repeating that, under present circumstances, its operation retarded the purchase of land in Ireland; and he thought the right hon. Baronet the Secretary for Ireland might advantageously turn his attention to a consideration of the vast quantity of land held under joint tenures, coparcenery, and tenancies in common. Upwards of two millions of acres were so held. It was a cruel mockery to tell the cottier tenantry to fall into the rank of labourers in a country without a labour market. There were, literally, three millions of people in Ireland who had no legitimate opportunity of living by honest industry. There was no labour market for them; and if no remedy was adopted, the evil would go on increasing; for, after it had ruined the most favoured districts of Ireland, it would inevitably attack the best portions of England. He considered beneficial results would follow, if power were given to the Bank of Ireland to invest its surplus means in mortgages upon landed property in that country. In all the measures which he urged, it would be wholly unnecessary to make such sweeping alterations as to overturn the laws of entail, or to render land as convertible as a bale of cotton. The laws of transfer, however, might be improved without adopting those extreme views. By a policy which would realise the words of Adam Smith, the prosperity and happiness of Ireland may be greatly increased; for he said—

> "The manufactures and the agriculture of Europe have arisen from the fall of the feudal system, and from the establishment of Governments which have afforded to industry the only encouragement it requires—a tolerable security that it may be allowed to enjoy the fruits of its own enterprise and labour."

Motion made, and Question proposed—

> "That a Select Committee be appointed to inquire into the legal circumstances which unduly impede the sale of Landed Property in Ireland."

MR. J. O'CONNELL seconded the Motion.

The SOLICITOR GENERAL presumed, that the object of the hon. Gentleman in making his present Motion, was to obtain an opportunity of delivering the speech which he had just addressed to the House, rather than of seriously asking for the appointment of a Committee to inquire into the various subjects embraced in that speech. The legal experience of the hon. Gentleman undoubtedly entitled any observations which might fall from him on those subjects to the respectful attention of the House. But it was to be observed that on the present occasion the hon. Gentleman had entered upon a very wide field, and had gone into all sorts and descriptions of matters which were scarcely within the scope of his Motion; and were he (the Solicitor General) to follow the hon. Gentleman in detail through all the points he had thought proper to urge, he should extend his observations far beyond the usual limits of debate; for the hon. Gentleman had not confined his remarks to those matters which affected the transfer of landed property in Ireland, but had touched upon everything that in the remotest degree affected the existing judicial system in Ireland as regarded real property. It certainly was not his present intention to enter upon the discussion of a subject of such magnitude, the details of which were so complicated, and the views entertained concerning which were so many and of so extremely various a character. It would be impossible for him to expound within the compass of a reasonable speech, the peculiar opinions he might entertain individually with relation to any particular parts of that subject. He should, therefore, confine himself to one or two points only, which the hon. Gentleman had adverted to; avoiding, in the first place, all those observations which the hon. Gentleman had made concerning the existing system of conveyancing—a subject certainly of vast magnitude and importance, but one not fit to be treated of on the present occasion; and equally avoiding the commentaries of the hon. Gentleman on the various stages of a suit in Chancery in Ireland, and his very graphic manner of describing the steps that gradually led, first to the obtaining of a decree for the sale of an estate; then, after the decree, to an actual sale; and, lastly, to the many possible inconveniences that might arise from that branch of our judicial procedure. It was not to be denied that great evils did arise from the peculiar doctrines and system of precedure in the Court of Chancery in Ireland; and unquestionably that system and those doctrines ought to be reformed and the evils removed. He wished he could say that this objection to our judicial procedure was confined to the courts in Ireland; but he must be allowed to observe that the existence of these evils, so far from being denied by the eminent judges who for a long series of years had successively presided in our courts of equity, was distinctly admitted and deplored by them, and that there had always existed a strong desire on their part to reform the abuses which were known to prevail in the forms of procedure in the English Court of Chancery. It must be admitted, too, that very considerable steps had already been taken towards effecting that reform, though it could not be denied that very much still remained to be done. But when the hon. Member complained, that after an estate had been sold in Ireland, there were no means of compelling the purchaser to complete his purchase and take possession of the estate he had contracted to buy, the hon. Gentleman was not pointing out any defect in the judicial procedure of the Court of Chancery, or any defect in the law relating to the transfer of real property; but he was pointing out a defect, and a most radical defect, which existed throughout Ireland, and which had been strongly adverted to in the evidence of Mr. Senior — namely, that there was scarcely to be found a good legal marketable title in Ireland. No reform in our judicial procedure could remove that evil. It must be removed by searching much more deeply into the present system by which real property in that country was enjoyed, and by establishing a good system of real property law in addition to, and in conjunction with, whatever useful reforms might be made in the judicial procedure of the courts as affecting landed property. In making one or two observations respecting the Act of last year for the sale of encumbered estates, he should carefully refrain from stating anything with respect to the present views which Her Majesty's Government might entertain upon that subject, or with respect to the details of a measure which it was his intention to introduce on Tuesday next. This he did, because he considered it would be an inconvenient course to pursue to enter upon the discussion of a measure, the details of which were not yet before the House. At the same time he could assure the hon. Gentleman, that the attention of Her Majesty's Government had been earnestly and carefully directed to all the various points to which he had referred, and, he might add, to many other subjects to which the hon. Gentleman had not very pointedly or particularly alluded. The hon. Gentleman had quoted a judgment pronounced by the Master of the Rolls in Ireland, in a case heard before him in relation to the operation and working of the Act for the sale of encumbered estates; and he stated that the first part of the Act, which related to the sale of estates not under the management of the Court of Chancery, was so encumbered with forms that, in fact, that part of the Act had become a dead letter, and had never had any operation in Ireland. Now, he (the Solicitor General) was sure that the hon. Gentleman, and the House, would bear him out in remembering that those very forms of which the hon. Gentleman complained were forced upon him (the Solicitor General), and that he very reluctantly adopted them. On bringing forward that measure, it was his most anxious desire to disencumber it from all forms and restrictions, thinking that it might be safely intrusted to the parties themselves to arrange that part of the proceedings, without incurring the operose process of legal forms. It was to be observed, also, that a very great change had taken place in the feeling and temper of the House of Commons upon this subject since its first introduction. Forms and restrictions were in the first instance almost insisted upon, whereas now there appeared to be a disposition on the part of the House to diminish those forms rather beyond that limit which he himself should think either advisable or necessary. The hon. Gentleman had suggested that it would be very desirable, in any plan that might be adopted for facilitating the sale of encumbered estates, to make money represent land, and to give a clear and unencumbered title to the purchaser at once. That was the very object and scope of that portion of the Encumbered Estates Act which related to the sale of land not under the management of the Court of Chancery. He admitted that there was a reservation in favour of any parties who might be able to make out a title within a period of five years; and, undoubtedly, many considerable difficulties arose from that part of the measure. But still he contended that the principle of that part of the Act of last Session was the very principle which the hon. Gentleman had been endeavouring to prevail upon the Legislature, and with justice, to adopt. But, recurring to the judgment of the Master of the Rolls in Ireland, he (the Solicitor General) understood the hon. Gentleman to say that the Master of the Rolls had represented himself as having prepared a measure for shortening the proceedings in the Court of Chancery, by making a smaller number of parties necessary to a suit. Now, he (the Solicitor General) had never seen that Bill, neither did he believe that any Member of Her Majesty's Government had any knowledge of such a Bill. There might, no doubt, be means adopted for shortening those proceedings, particularly with reference to the sale of estates; and he might be allowed to state, that, with regard to the Court of Chancery in England, a great diminution of expense had been effected by the reduction of the number of the parties necessary to the proceedings, in consequence of certain orders of the Court which had recently been passed. In one part of the speech of the hon. Gentleman, he (the Solicitor General) most fully concurred—namely, in that portion of it in which he stated that he thought the regeneration of the state of property in Ireland was to be produced rather by a series of measures which should multiply by degrees, and aid and assist each other, than by any one single and comprehensive measure. He (the Solicitor General) begged most fully to express his concurrence in that opinion. He could not but think that there had been a little mistake committed upon this point. Many persons seemed to suppose it possible, when talking of measures of this description, and of the evils which had now come to a concentrated head, and were ready to canker the whole social system, that those evils could be removed by some single measure, as if by the touch of a magic wand. But it was utterly impossible that such a result could take place by the adoption of any one particular measure; and those who expected any such result would, in his opinion, be grievously disappointed. Still, he did believe that, by a series of useful measures uniting with and assisting each other, preparations might be made for ultimately producing a state of prosperity in Ireland far exceeding not only what had ever been known in Ireland before, but far exceeding even that prosperity which now existed in this country. But he must repeat, that no such result could be produced by any one specific measure. It appeared to him that the views and opinions of persons upon this subject had arisen from the contemplation of the peculiar evils that now existed in Ireland; and, from their anxiety to remove those evils, they would fain persuade themselves that this might be done by some extraordinary measure that should work a sudden magical change. There were a great number of branches connected with this complicated subject; and it would be very difficult to introduce the whole of them into any one measure of legislation. No human sagacity could foresee the working of the details of any one measure that embraced only a single branch of the subject. Some little delay would be necessary to mark the operation of each such measure before introducing any succeeding measure by which a further beneficial result might be produced. He fully concurred in the opinion expressed by the hon. Gentleman, that Her Majesty's Government would receive a sincere support from the Irish Members upon every subject which they conceived would be productive of benefit to Ireland. He (the Solicitor General) did not believe that any party motive would interfere in the slightest degree with the measures which Her Majesty's Government might propose, but, on the contrary, that the Irish Members were most anxious to give their cordial support to any measure that would be most practically beneficial to Ireland. It was his conviction that, with regard to the measure which he introduced last year, no person opposed its details but from a sincere desire to render it as beneficial to Ireland as possible. He admitted, then, that with such support very great benefit might be derived to Ireland; but in carrying into effect those views which Her Majesty's Government might entertain upon this subject, he must suggest to, and warn, the House, not to suppose that they could achieve any such sudden result as might be possible if the management and occupation of land were the sole thing they had to deal with, and there were no population at all, or rights of any sort or description to be considered. With regard to the observations of the hon. Gentleman as to the operation of the poor-law in Ireland, he (the Solicitor General) concurred with him that that law had afforded great facilities for the improvement of property in Ireland. Persons removed from the land with much less disinclination than before that law was introduced. They more readily gave up their tenements and went to some other part of the country, where they knew they might be employed and have support. Undoubtedly this voluntary clearing of the land of small occupiers must be a work of time; but it could not fail, ultimately, to lead to a different system, and to introduce a class of tenant farmers having good-sized farms to cultivate, in the same manner as in England and in Scotland. The proprietors could not, however, expect, under that new system, to receive the same amount of rent as was now paid by the small cottier tenants, who, for a portion of the year, derived a little food from the pigs fed upon their plot of land, and then for the rest of the year lived upon potatoes. That this transition state was a painful one, could not be doubted; but that the result would be beneficial to all parties, he could not but be convinced. He was also convinced that those measures which Her Majesty's Government were about to introduce would be productive of beneficial results, and that a state of things would arise from them such as all were desirous of seeing established in Ireland, but which it was unwise to expect would be realised by any sudden and single measure, however comprehensive its provisions might be. Allow him to say, that nothing was so easy as to devise a scheme to cure the evils existing in any particular state of society, but that nothing was more difficult than to sit down and mark out the practical details by which that scheme was to be carried into effect. It was much more easy to lay down a set of general principles, and to say, "Do this," and "Do that," than it was to draw up the clauses of an Act of Parliament, at the same time taking care that they were calculated to work practically with the existing state of the law and of society. This was true in the general; but how much more was it true when it was applied to the special condition of Ireland! But he firmly believed that the objects they all desired to accomplish might be obtained by the measures which Her Majesty's Government were about to introduce; and he confidently relied on the cordial co-operation of the House in carrying those measures into effect. He had been desirous of addressing these few observations to the House, anxious, however, to avoid stating the particular provisions of the measure which it would be his duty, at an early day, to introduce, or of those measures which Her Majesty's Government were about to bring forward. He preferred leaving them to be discussed, both in principle and detail, as they should be severally submitted to the House, without embarking into a discussion upon the general state and condition of Ireland, which could lead to no practical result, but might divert the attention of the House from those measures which he believed to be of paramount and primary importance.

Mr. J. O'CONNELL was glad to hear that it was the intention of Government to bring in a meaaure to remedy the evils connected with the system of landed property in Ireland. He should be very sorry to draw an omen of the efficiency of these measures or their possible success from the phrases which the hon. Gentleman had used in alluding to them.

Notice taken, that forty Members were not present; House counted; and forty Members not being present, the House was adjourned at a quarter before Eight o'clock.

HOUSE OF COMMONS,

Wednesday, April 18, 1849.

Minutes.] Public Bill.—*Reported.*—Summary Convictions (Ireland).

Petitions Presented. By Lord Brooke, from Clergymen resident in Warwick, and by other hon. Members, against the Parliamentary Oaths Bill.—By Mr. Tufnell, from the Township of East Stonehouse, Devonshire, and by other hon. Gentlemen, for the Clergy Relief Bill.—By Mr. Alexander Hope, from a Number of Places, and by several other hon. Members, against the Marriages Bill; and by Mr. Alderman Copeland, from Stoke-upon-Trent, and by other hon. Gentlemen, in favour of the same.—By Admiral Gordon, from Towie, Aberdeenshire, and by Mr. Hume, from Kirriemuir, against the Marriage (Scotland) Bill.—By Mr. Fordyce, from several Places, and by other hon. Members, against the Sunday Travelling on Railways Bill; and by Mr. Hume, from Inhabitants of Carron, in favour of the same.—By Mr. Aglionby, from Members of the Society of Staple Inn, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Fuller, from East Grimstead, Sussex, for a more equitable Adjustment of the Poor, County, Police, and Highway Rates.—By Mr. Scholefield, from Members of the Order of Odd Fellows, Birmingham District, for Extension of the Benefit Societies Act.—By Mr. Milner Gibson, from Manchester, and other Places in Lancashire, for a System of Secular Education.—By Mr. Duncan, from the Directors of the Dundee Royal Lunatic Asylum, against the Lunatics (Scotland) Bill.—By Mr. Beresford, from Harwich, against the Navigation Bill.—By Mr. Cardwell, from Liverpool, for an Alteration of the Passengers Bill.—By Sir Lucius O'Brien, from Innishannon, County of Cork, against the proposed Rate in Aid (Ireland).—By Mr. Beckett, from Leeds, and by other hon. Members, from several Places, for a Superannuation Fund for Poor Law Officers.—By Mr. Shirley, from Stretton on the Fosse, and from Halford, Warwickshire, for the Adoption of Measures for the Punishment of the Promoters of Promiscuous Intercourse.—By Lord Brooke, and a great many other hon. Members, from an immense Number of Places, against the Public Roads (England and North Wales Bill; and by Mr. Fuller, from Salehurst, and other Places in Sussex, in favour of the same; also by Sir John Trollope, from several Places, for Compensation for the Loss that would be sustained should this Bill pass.—By Mr. Osman Ricardo, from Worcester, for the Abolition of the Punishment of Death.—By Mr. Duncan, from Dundee, and by Mr. Gibson Craig, from Alloa, against the Registering Births, &c. (Scotland) Bill, and Marriage (Scotland) Bill.—By Mr. Brotherton, from King's Lynn, for Alteration of the Sale of Beer Act.—By Mr. Headlam, from Newcastle-upon-Tyne, that Measures may be Adopted for the Suppression of the Slave Trade.—By several hon. Members, for the Settlement of International Disputes by Arbitration.

PUBLIC ROADS (ENGLAND AND NORTH WALES) BILL.

On the Motion that the Order of the Day be read for the second reading of this Bill,

Mr. PUSEY objected, and wished another order to be substituted.

Mr. SPEAKER said, the hon. Member must reserve his objections until the first Order of the Day had been read.

Order for Second Reading read; Motion made, and Qestion proposed, "That the Bill be now read a second time."

Mr. PUSEY objected to the order for the second reading of this Bill being placed before that for the Committee upon the Landlord and Tenant Bill, of which, as an independent Member, he had the charge, and which stood No. 4 on the Paper. It was twenty years since he had the honour of first becoming a Member of that House, and so long as he could remember, Wednesday evenings had been given up to independent Members. Within the last few years a change had been made on Wednesdays from evening to day sittings; but he did not recollect that any alteration had been made either then or since in the usual custom of the sitting being given up to independent Members. The difficulty of private Members carrying any measure was so well known, that he ventured to put it to the House, whether, with three Government orders standing first to-day, there was any possibility of any Member's Bill being carried forward? Monday and Friday were Government nights; and if a Member attempted to bring on any measure after twelve o'clock on those nights, he was told it was too late to proceed. In the present week, the Government would have Thursday; but, even if they had not, Tuesday and Thursday only were notice days, and there was already a large number of notices upon the book. Sometimes the House did not come to a determination upon the business with which it commenced till twelve o'clock; and after that it was often absolutely impossible for any Member who took an interest in a particular question to induce his friends to remain for its discussion. On these grounds, he submitted, the House should consider whether it was possible for independent Members to proceed with their measures unless the Government gave to them the same precedence on that day which they themselves enjoyed on other days.

Sir J. PAKINGTON said, he did not understand his hon. Friend to conclude with an Amendment.

Mr. PUSEY said, the Amendment he intended to propose was, to negative the reading of the Order of the Day.

Sir J. PAKINGTON said, in that case he would second the Amendment. Whether or not there was a rule of the House that Wednesdays should be set apart for the consideration of measures introduced by independent Members, he did not know; but, in point of fact, such had been the general understanding. The Government had now a third day, or at least they would have in a short time. Already they had every alternate Thursday. Considering, then, the disadvantages under which independent Members laboured in bringing on their measures, he thought Government ought not to encroach upon Wednesdays.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "after other Orders of the Day."

Question proposed, "That the word 'now' stand part of the Question."

Mr. BECKETT DENISON said, he would not enter into the question raised by his hon. Friend the Member for Berkshire, but at once consider the main subject of the Bill.

Sir G. GREY observed that, as an ordinary rule, it was desirable that Bills brought forward by the Government should not stand for Wednesday, or be placed in the way of hon. Gentlemen who had obtained leave to introduce measures, any stage of which was appointed for those days. This Bill, however, had been introduced under peculiar circumstances. It was not a Government Bill in the ordinary sense of the word; it was a measure called for by Gentlemen unconnected with Government. They had forced upon the Government the past and present consideration of the question. Great disappointment had been expressed upon a former occasion because he declined to introduce a measure on this subject in the Session before last; but at length he was forced to declare he would as early as possible introduce a Bill upon the subject, because it was urgently called for. It was in redemption of that pledge that the present Bill had been brought forward. He must remind hon. Gentlemen that the House had made an order, by which the proceedings upon all private Bills relative to turnpikes had been suspended, until the House had pronounced an opinion upon this measure. When the Bill first introduced by his hon. Friend the Member for Herefordshire was withdrawn at an early period of the Session, a pledge was given by the Government that the amended measure should be submitted to the decision of the House; and he was anxious that the opinion of the House should be expressed upon it as speedily as possible, in order that it might not stand upon the Paper for any length of time. If the House objected to the Bill, and preferred the present system, he would very willingly bow to its decision, but he thought it should be unequivocally pronounced. At the same time, if the House thought the Government had taken an unfair advantage of his hon. Friend the Member for Berkshire, or of other hon. Members who had business on the Paper, by placing this Bill first, because it was introduced by a Member of the Government, he was not prepared to press its being proceeded with. He could not, however, fix any early day for the second reading if the present opportunity was not taken.

Sir J. PAKINGTON reminded the right hon. Baronet that the Government had the three first orders to-day.

Sir G. GREY did not apprehend that two, at least, of the orders would lead to any lengthened discussion; but if there was the slightest chance of it, he should have no objection to postpone them to the next Government night. As to Wednesdays, there was no rule of the House by which Bills in the hands of independent Members had precedence. Wednesdays, indeed, were appointed, by rule, for Committee of Supply, which of course must originate with Government.

Mr. WILSON PATTEN said, there could be no doubt there had been a general understanding that Government measures should not be brought on upon Wednesdays. At the same time, there were many reasons for proceeding with this Bill. In the first place, a great number of private Turnpike Bills were waiting until it was disposed of; and, in the next, many parties had come up to London expressly in relation to it, who, if it were put off, would have to come again, some from the most distant parts of the kingdom. Altogether there were sufficient circumstances in the case, he hoped, to induce his hon. Friend the Member for Berkshire not to press his opposition to the Bill being proceeded with.

Mr. PUSEY said, he would accede to the proposal of the right hon. Baronet the Home Secretary, if he would undertake to facilitate his proceeding with the Landlord and Tenant Bill.

Sir G. GREY, in reply, said he could make no promise to give up any particular day.

Mr. SOTHERON suggested that the Bill should be read the second time *pro formâ*, and referred to a Select Committee to consider its merits.

Mr. HUME said, the measure was one of immense importance, and that it ought to be disposed of at once, one way or the other.

Sir W. JOLLIFFE thought great benefit would be derived by referring the Bill to a Select Committee. There was a strong feeling in the country against it, and most likely an inquiry would have the effect of dissipating the objections made to it. At the same it was desirable, for the sake of all parties, that some measure should be immediately taken, and therefore, if the Government pressed the second reading, he should vote for it.

Mr. DISRAELI rose to notice a very extraordinary dogma of the right hon. Baronet the Home Secretary, that the Government were not to be held responsible for the measures they introduced, because there was a pressure upon them in the House.

Sir G. GREY had asserted no such dogma. The Government were formally but not virtually responsible.

Mr. DISRAELI said, here was a measure of great public importance, and the names at the back of the Bill were those of the Under Secretary of State for the Home Department, and the Secretary of State for the Home Department; yet the right hon. Baronet told the House that the Government were not responsible for it.

Sir G. GREY: Not virtually.

Mr. DISRAELI: Then what did the right hon. Gentleman say? Everybody on his (Mr. Disraeli's) side of the House understood the right hon. Gentleman to say the measure had been forced upon the Government, and that this Bill was not a Government measure. The Government, he said, were not virtually responsible. That was the dogma laid down by the right hon. Baronet. The other night the hon. Gentleman the Under Secretary for the Colonies, with regard to another very important subject, laid it down, that where the Government were compelled, by the feeling of the House, to bring in a measure, and not from their own impulse, they were not responsible for it.

Mr. HAWES denied having asserted the principle alleged by the hon. Gentleman the Member for Buckinghamshire. What he said was, that the Colonial Office had to carry out a certain Act of Parliament, for which the House was responsible, and not the Colonial Office.

Mr. DISRAELI said, it seemed to him that that was very much in harmony with his understanding of it. He protested, however, against the principle which the right hon. Gentleman the Home Secretary had asserted. It was not to be tolerated that any difference as to responsibility was to be made between measures brought forward by Government, upon account of the original idea having been started by some independent Member, and those which they introduced upon their own impulse. Each were Government measures, and the Government must be held responsible for them.

Sir G. GREY said, the Government did not disclaim or shrink from any responsibility.

Motion made, and Question proposed—"That the Bill be now read a second time."

Mr. PUSEY said, he objected to the reading of the Order of the Day.

Mr. SPEAKER said, it was not competent for the hon. Member to make that objection. He might have moved an Amendment upon the Order of the Day being read; but the hon. Member had not moved any Amendment by way of postponement; therefore, the question still before the House was, that the Bill be read a second time.

Mr. PUSEY said, he would then move that the Order of the Day for the second reading be postponed till after the other orders.

Sir G. GREY observed, that he had already stated that he was prepared to yield to the feeling of the House on the subject. He would remind his hon. Friend that several hon. Members had expressed their opinion in favour of proceeding with this Bill.

Sir C. DOUGLAS felt that it was most desirable that they should, with as little delay as possible, come to some decision on the principle of this measure. He hoped that the hon. Gentleman would allow the House to proceed with it.

Mr. MUNTZ also expressed a hope that the Amendment would be withdrawn, as it was of the greatest importance that the question with respect to this Bill should be settled one way or other, as parties had come up from all parts of the country respecting it.

Mr. PUSEY trusted that he had not unduly persisted in an endeavour to carry the measure which he had introduced. He believed that he had now established the principle that private Members should have precedence on Wednesdays. He would not, therefore, press his Amendment, but he trusted that the House would give him an early day to proceed with this Bill.

Amendment, by leave, withdrawn.

Question again proposed, "That the Bill be now read a second time."

Mr. BECKETT DENISON rose to move an Amendment that the Bill be read a second time that day six months. In the measure before the House it was proposed in the first place to reduce, and ultimately to pay off, the mortgage debts of all the turnpike trusts in the kingdom; and in the second place, the management of all under one machinery. He would ask them whether they thought that this was the most happy time that could be selected to carry out the first part of the proposition? He thought the present time the most infelicitous for endeavouring to effect this object, and he confessed he saw no occasion whatever for making the proposition. He believed that the security of these trusts was as good now as ever it was. He felt he had a right to assume, from the document before him, the turnpike trusts were not at all in the desponding state to justify such a measure as the present. According to the figures before him, it must be considered that they were tolerably well managed, for it appeared that they were enabled to pay off a large sum of money annually in liquidation of the debt. The bond debt, it was said, was increasing. Now, on the contrary, the bond debt taken by itself was decreasing. It was proposed to pay off this bond debt by a sinking fund of 7 per cent upon that debt when it was ascertained. And in order to ascertain this fact, it appeared that commissioners were to be appointed to make the necessary inquiries upon the subject. He considered it possible that the debt might be reduced to 7,000,000*l.* Assuming it to be such, it was proposed by the Bill, that in the course of the next 30 years the occupiers of property in the country should be called upon to pay off this debt. [Mr. Cornewall Lewis: Not the occupiers.] He was glad to hear it. But he understood that the ratepayers would ultimately be the parties upon whom this burden was to be thrown. He knew it was intended that the tolls should be made available for this purpose; but if the tolls were not sufficient, then who was to pay the difference? He thought that when he said the ratepayers would be called upon to bear the burden, he was not very far away from the truth. He would challenge the hon. Member who had charge of the Bill to prove by his plan how this debt was to be paid in any other way than by the ratepayers. He would show the House in what position the ratepayers stood. By the Bill it was proposed that 7 per cent should be taken as the first fruits of the tolls, and the ratepayers should then be held liable to make up the additions which might ensue from time to time. It was, therefore, clear that the ratepayers would have to bear the burden. While he stated his objections to the present measure, he was willing to admit that some alterations ought to take place in the way of amending the system respecting turnpike trusts. He thought it, however, highly injudicious to bring such a measure as the present one forward at a time while the agricultural community was in such a low and distressed condition; for if it passed into a law, it would have the effect of adding most seriously to their already oppressive burdens. He was but reiterating the language that had been already expressed in the numerous petitions he had himself presented from Yorkshire. The petitioners, while stating their objections to the Bill, expressed at the same time their wish to see some reformation made in the present unsatisfactory state of the law. If the Government would arrange with the mortgagees, so as to give them good security that they would be paid the interest regularly upon the debt, he believed that they would be fully satisfied. He should like to know why they were to pay off this 7,000,000*l.*, for the mere benefit of those that were to come after them? He was quite willing that every care should be taken to have the interest duly paid, but he objected altogether to the proposition to pay off the whole debt. He was now going to the other part of the measure, which proposed, that, after having disposed of all the trusts, the management of these roads should be placed under entirely different machinery—that a committee of magistrates, varying from eight to twelve in each county, should be appointed to lay down rules, which the several boards of guardians were ultimately to carry out. The central committee, consisting of eight or twelve justices, having one member from each board of guardians to assist them, was to law down rules for the management of all the turnpike roads. Having done so much, the charge of carrying those rules into operation would be placed upon the shoulders of the guardians of the poor, who would then supersede all the trustees of the turnpike roads. Then a surveyor was to be appointed, who was to have the superintendence, management, mending, and making of all the roads. Looking at the union with which he was connected, he found that the surveyor for the district, under this Bill, would have the disbursement of from 4,000*l.* to 5,000*l.* a year, which the repairs of highways at present cost. He did not know whether the money for the repair of highways was to be raised as it was at present, or by a union rate. The surveyor would, he believed, have to raise the money from the different parishes by a union rate, based upon the valuation of the county rate, and not according to the existing exigencies of the particular parish. He must say, upon this subject of union rate, he was clearly of opinion that it was a most unfair principle to go on, and would lead to endless discontent and confusion. He put it to the good sense of the House whether this was a fair proposition, that one parish, in which the roads were well managed, should be made to pay equally with another in which the roads were neglected, and in wretched condition? He had seen a good deal of the management of public roads, and he knew how difficult it was to test the accuracy of the accounts of the surveyor. He would ask the House to consider how much more difficult would it be to test the accuracy of the surveyor's accounts under this Bill? He was, therefore, not prepared, as far as his district was concerned, to put into the hands of a surveyor the application of 5,000*l.* annually. He would defy the poor-law auditor to examine this man's accounts so as to satisfy himself that the money had been properly expended. He could not see his way through the plan proposed. Now in respect to the poor-law guardians, who it was proposed were ultimately to have the management of all these matters, he was equally opposed to this part of this Bill. The poor-law guardians were most unfitted, by the nature of their duties and the circumstances of their position, to undertake the onerous duties which this measure proposed to throw upon them. He viewed the first portion of the Bill with the greatest dissatisfaction, and he was confident that the latter portion of it would never work smoothly. He would suggest the propriety of withdrawing this Bill, as the country had very generally stated the strongest objections to it. The hon. Member concluded by moving his Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. RICE was very desirous that the Bill should pass, after undergoing such amendments in Committee as, in his opinion, would render it a more efficient measure in carrying out the objects which it had in view. He confessed he had been one of those that had endeavoured to press this subject upon the attention of the Government; and he concurred in the general opinion that had been expressed, that something ought to be immediately done upon the subject. He believed that the hardships were much greater now than could possibly exist even if the measure passed in its present form. The hon. Member for the West Riding of Yorkshire complained of the difficulty of auditing the surveyor's accounts under this Bill; but he (Mr. Rice) would ask him whether he knew of any audit of the accounts being made at present? [Mr. Beckett Denison expressed his belief that they were audited.] He was of opinion that they were not fairly audited. He was quite sure, if this Bill were prevented from going into Committee, where it could be amended, there would be no hope of getting any measure on the subject passed at all. He believed that by the introduction of certain amendments into the Bill, it would have the effect, if passed, of decreasing the expenses considerably to the ratepayers, instead of throwing upon them any burden to which they were not at present liable. At the present time, if the tolls were not sufficient, the ratepayers were obliged to make up the difference. He believed that they would be saving them greatly, if they improved the management of their roads. He would support the second reading of the Bill.

Sir J. PAKINGTON was sorry that he did not find himself able to support the second reading of the Bill; at the same time he must, in fairness and candour, say that he thought this Bill had excited a feeling in the country beyond that for which there was any occasion. It was, no doubt, most desirable that measures should be adopted which would have the effect of consolidating the trusts, and of gradually liquidating the debt. He knew of several districts where there were separate trusts of only five, six, and eight miles apart. He thought the House must feel it monstrous to have separate machinery—separate Acts of Parliament for each of those little trusts, only five or six miles apart. By consolidating them, they could have these trusts much better and cheaper managed than they were at present. In respect to highways, he did not quite concur with the views expressed by the hon. Member for the West Riding of Yorkshire as to the combination of parishes. He thought that if they amalgamated the parishes they would have much better roads than they had at present. This question of roads was one in which a whole neighbourhood must have a common interest. He would suggest that instead of combining all these objects in the one Bill, they should be divided into two—the one Bill for combining the parishes in highway districts, and the other for consolidating the trusts and for the gradual payment of the debt. In respect to that part of the measure which referred to the poor-law guardians, he regarded any attempt to throw burdens upon those boards foreign to those which they were originally intended to bear as most injudicious. Those boards of guardians would not be found competent bodies for the management of roads or highway districts, from the fact of the members being changed every year, and therefore being in a great measure ignorant of that information which it was necessary they should possess for the proper discharge of their functions as prescribed by this Bill. They would thus practically fall into the hands of the surveyor, who would be able to twist the boards around his finger, and carry on any jobbery he pleased. By the wording of one of the clauses, it would be found that the same duties, as nearly as possible, would be thrown on the district board as on the central board. This would lead to the greatest confusion, as it would be impossible to carry on the operations of the district boards and central board, unless they made the central board take cognisance of the turnpike roads and the district boards of highways. It was quite clear that by the Bill as it stood, there would be a heavy charge thrown ultimately upon the ratepayers. The complaints which had been made by the mortgagees were undoubtedly well founded. This Bill would send the claims of those, whether they were good or bad, to the arbitrary decision of the commissioners it was proposed should be appointed. The turnpike trusts were in a state of progressive improvement. He therefore protested against their being subject to the operations of this measure, because there were one or two found to be in a bad or insolvent state. He thought that this Bill contained the elements—if it was considerably altered—of a good measure; but so long as it was subject to the objections he had stated, he could not support it.

Sir W. JOLLIFFE objected to some of the alterations which had been made in the Bill since last Session, and was at a loss to conceive why they had been made at all.

None of them had been, as he recollected, urged by any Member of the Committee, all of whom had been at the utmost pains to perfect the measure, which then had only reference to the highways. Many of the clauses in the Bill now proposed would not work satisfactorily to the country. He objected to the clause relating to the poor-law divisions. He thought that the boards of guardians were most improper bodies for the purpose of satisfactorily carrying out the duties of waywarden. Their duties were sufficiently onerous at present, and there was no necessity for adding to them. There were other details of the measure, which had caused great dissatisfaction in the country. The principal objections had been urged by the mortgagees and paid officers of the trusts. With respect to the mortgagees, the greatest insecurity existed with regard to their property. It was stated, that the tolls had fallen 100,000*l.* a year, and that the repairs of the roads had been correspondingly neglected. Many of the roads were in a very bad state, and there existed the greatest possible prospect that when they were repaired there would be a diminution in the value of the property of the mortgagees, and a considerable reduction in the interest on their bonds. Even now a number of the turnpike trusts were not paying any interest at all. He thought that provision in the Bill was a most outrageous one which provided that whilst the debts which had been incurred to the Exchequer Loan Commissioners should be paid off in full, every other description of bondholders' claims should not be similarly provided for. He saw by a return he had moved for, that a sum of 5,000*l.* had been borrowed from the Exchequer Loan Commissioners for the purpose of maintaining a road in Surrey 4½ miles in length; and it appeared that, after deducting the salary of the collector, who was the only paid officer, the income received from the tolls was, in 1844, 93*l.*; in 1845, 62*l.*; in 1846, 41*l.*; in 1847, 33*l.*; and in the past year it had dwindled down to 29*l.* That road was at present in a wretched state, and he thought that it must be evident that the proposition with regard to such loans was most preposterous. The great objection made by the hon. Baronet the Member for Droitwich was, that highways and turnpike trusts were not dealt with by two separate Bills; but he (Sir W. Jolliffe) thought that those questions of detail might be settled more satisfactorily in Committee. He was certainly of opinion that localities which were burdened for maintaining the public roads should have control over the expenditure connected with them. He fully concurred in thinking that great public advantage would result if some cross roads, the maintenance of which fell on the district, were converted into first-class roads. With regard to the claims of the clerks and other officers for compensation, too many of these trusts had unfortunately become insolvent; and in those cases where the tolls were seized by the mortgagees, there was no power given by the law as it now stands, to pay the clerks and officers, and it would require a large sum to provide for their remuneration. With respect to the principle of the Bill, he thought, that unless they now settled to go into Committee to consider the details of it, they must despair of doing anything during the present Session to remedy the inconveniences arising out of the present state of the turnpike trusts. He hoped, therefore, that the House would consent to the Motion before it, and also allow the Bill to be committed. But at the same time, as the subject was a new and a difficult one, he thought that the questions connected with it might be better dealt with, and more satisfactorily arranged by a Committee upstairs.

Mr. BANKES entirely agreed with the hon. Baronet the Member for Droitwich, that the chief point the House had at present to consider was, whether the management of turnpike roads and other highways should be dealt with by a single measure; and he must confess he had heard nothing stated as yet which was favourable to the proposed combination. He thought that the House should now have an answer from Her Majesty's Government to the question why it was that, having consented to the appointment of a Committee on the subject, and obtained a report from that Committee, they had departed from the recommendation in the report, and adopted the principles of amalgamation? What could be the use of sending the matter to be considered by a Select Committee, if the Government acted in direct opposition to the course recommended by that Committee? He therefore called on the Government, at this stage of the proceedings, to give their reasons for the course they had pursued in combining in one measure the management of turnpike roads and other highways. For, unless they made out a good case, he thought that the House would do well to follow the suggestions made by the hon. Baronet the Member for Droitwich, and deal with the questions by two separate Bills. He did not think it would be honest or honourable to amalgamate trusts which were insolvent with others that were solvent. The question was certainly a most difficult one to deal with; but he thought that the subject of turnpike trusts could not be fairly mixed up with the question of maintaining highways. He might be told that the Government thought it necessary to appoint a commission for the purpose of carrying on the principle of centralisation, and that they were anxious the commissioners should have enough to do; but he did not think that a commission of the kind would be of any public advantage—that the people would derive any benefit from throwing this complex duty upon the shoulders of commissioners. The question of separating the two subjects with which the Bill proposed to deal, might perhaps be fairly considered in Committee; but he was convinced that if the measure was pressed in its present shape, it would never pass through that House.

MR. CORNEWALL LEWIS said, that before he answered the various objections which had been raised both to the principle and the details of the Bill, he should state what were the views of the Government in attempting to deal with the present question. When he introduced his first Bill to the House, he stated that he did not consider that the Government, as a Government, had any peculiar vocation to prepare or introduce a measure upon public roads; but that, as it was a subject of great extent, importance, and difficulty, and one as to which, by common consent, it was important that some attempt at improvement should be made, there appeared to be reasons why the Government, having a greater amount of official information than private Members could be possessed of, should prepare a measure and submit it to the House. He did not, in introducing that measure, by any means understand that it was a Government measure in the sense of one connected with the immediate executive duties of the Government. That was the statement which he then made, and that was, he believed, the meaning of his right hon. Friend the Secretary of State for the Home Department in the few remarks which he had that day addressed to the House. He would now refer, in answer to the question of the hon. Member for Droitwich, to the origin of the present measure. In the course of last Session the Government introduced a general Bill relating to highways exclusively, and having nothing to do with turnpike roads. That measure was referred to a Committee upstairs, upon which he himself had the honour of serving. The Bill was carefully gone through in the Committee—many valuable amendments were made, and, as amended, it was reprinted and submitted to the House. In consequence of the late period of the Session, however, the Bill was not then proceeded with; but in the course of the short discussion which took place after it came out of the Select Committee, there was a general expression of opinion that the measure was an imperfect one, that it was not sufficiently comprehensive, and that the Government had omitted to deal with one of the most difficult parts of the question in which improvement was most undoubtedly needed—namely, the turnpike roads, and in particular the state of the insolvent trusts. He appealed to the recollection of hon. Gentlemen present, whether those remarks were not made at the end of last Session. During the recess the attention of his right hon. Friend and himself was given to the subject; and after carefully reviewing the whole question, it was thought desirable, in deference to the opinion expressed by many whose opinion was entitled to great weight, and without implying the slightest disrespect to the Committee, to engraft upon that measure a Bill relating to turnpike roads. One reason which led to that conclusion was, that by separating them the expense of a double machinery was incurred, although there was no very wide and intelligible distinction between the two. Upon the whole, it was thought that the most economical and efficient management of the two classes of roads would be attained by their consolidation; and, under those circumstances, the Government determined to lay before the House a measure in which both classes should be combined. The turnpike roads were nothing more than a set of roads that had been taken arbitrarily by persons locally interested, for which private Acts had been obtained, and which had been placed under the management of trustees. But those roads did not cease to be highways; and when the funds derived from tolls were found to be insufficient for their maintenance, recourse was had to the highway rate for that purpose. The persons who selected the roads to be included in turnpike trusts selected them in the course of the last and beginning of the present century, according to what they conceived to be the exigencies of the traffic; they took what might then be regarded as the main arterial roads. Since the introduction of railways, however, many of those roads which were before the main lines of communication, had sunk into secondary or tertiary importance, and were now become mere means of communication between neighbouring parishes. Nevertheless, those roads still retained their character of turnpike roads. On the other hand, many highways abutting upon railway stations had become some of the most important lines of communication in the country. Therefore, taking into consideration the great revolution in our system of internal communication which railways had occasioned, he thought the House would agree with him that the line which was formerly drawn between highways and turnpike roads had to a great extent been effaced, and had rendered it inexpedient that the Legislature, looking to the future, and laying the foundation of a permanent and prospective system of road legislation, should stereotype and render perpetual the existing very arbitrary and capricious distinction between highways and turnpike roads — a distinction founded upon previously existing circumstances which no longer prevailed. A great many remarks had been made with regard to the measure before the House, upon points which he thought might have been very properly considered in Committee, had the measure met with a more favourable reception than it had encountered. Now, he would state what he understood the present measure to do. He understood that its principle was the combined management of all the roads in the country. He understood that every Gentleman who voted in its favour assented to the principle that the present distinction between turnpike roads and highways should, if not now, at all events prospectively, be abolished. [Sir R. Peel : In what sense do you mean prospectively ?] He understood, that by the present measure turnpike trusts would be retained to a considerable extent. It did not repeal local Acts immediately, except so far as related to the trustees, and not as related to the rates of toll and other provisions. He also understood, that by the present Bill the management should be by the counties, and not either by turnpike trusts or parishes—that there should be a general board for a county—and that the county should be divided into districts, in each of which again there should be a local board; but of the constitution of those boards at present he should say nothing. He further understood, that the measure involved some plan for the prospective and ultimate discharge of the existing turnpike debt, so that when it should be agreed to, the House would be enabled to say, that means had been taken ultimately to cancel the principal, as well as to provide for the payment of the interest of the existing debt of the turnpike trusts. He also understood that the House would agree further to the principle that the system of local legislation for turnpike trusts should be abandoned, and that the foundation of a permanent system of legislation for all classes of roads should be laid. Beyond these points which he had now enumerated, he did not understand that any hon. Gentleman who voted for the second reading of this Bill would be pledged. All the rest was open to further consideration, and he should be ready to listen to any modifications that might be suggested. It was asked by the hon. Member for Dorsetshire and by the hon. Baronet the Member for Droitwich, " Why do you not introduce one Bill for the management of turnpike trusts, and another for the management of highways?" The answer he had to give was, that that mode of proceeding had been already tried, and had not given much satisfaction. One Bill with respect to turnpike trusts was introduced by his right hon. Friend the Secretary at War, thirteen years ago, in which the Speaker also had some share; but it did not succeed. Another Bill was introduced by the right hon. Baronet the Member for Ripon; and several other measures for dealing with highways separately from turnpike roads were since brought forward; but they all met with a similar fate as that of his right hon. Friend's the Secretary at War. And, therefore, it could not be said, that a plan for dealing with these matters separately had not been tried. Again, if they took the turnpike trusts as the foundation of a new measure, and attempted to engraft thereon the management of the highways, they would be at once met with this difficulty. Turnpike trusts had no boundary. They were merely aggregates of lines of roads placed under the management of trustees; they were not territorial divisions, and one could not say that any parish was within the boundary of a turnpike trust. There would be, therefore, no means of annexing any specific parish roads to a particular trust—it could only be done arbitrarily, either by saying what parishes were to be included by enumeration, or by giving to somebody the power of defining the boundary. Another difficulty, which was quite insurmountable, was the extremely small size of some of the turnpike trusts; and on the whole he must say that it had appeared to him impossible to frame any measure by which the management of the highways and turnpike trusts should be incorporated, taking the latter as the foundation of the measure. He therefore proposed, by the present Bill, that the county, which was the best known territorial division, should be taken as the basis of the arrangement. He believed in general, if they asked any person which expenditure he believed to be the greatest, that of the highways or that of the turnpike trusts, that he would answer, in an off-hand manner, that he believed the expenditure of the turnpike trusts was considerably greater than that of the highways. A return which had been lately presented, however, showed that the expenditure of highways in England, exclusive of Wales, amounted in 1845 to 1,668,134*l.*; and in Wales, according to an estimate (the returns not being perfect), to 49,200*l.*; making altogether for the kingdom nearly 1,717,000*l.* for the highways. The total turnpike expenditure for 1846, the last year up to which the returns extended, was 1,344,000*l.*; making a total for both of 3,061,000*l.* He believed it was scarcely necessary for him to state that the management of the highways was on the whole much less economical and much less efficient than that of turnpike roads had been. He was perfectly willing to pay that tribute to the trustees of the turnpike roads, whom this measure was accused of setting aside in so unceremonious a manner. The great defect, as he conceived it, of our present system was, that more than half of the whole of the expenditure in the maintenance of roads was for highways, and that at the same time the security for good management was most imperfect. The hon. Gentleman the Member for the West Riding had made some remarks as to the time of introducing the present measure. In answer to that, he would state that the Bill was promised at the end of last Session, and that the Government considered itself bound, partly in deference to wishes expressed, and partly by promises made, to introduce a general measure at as early a period as possible. He was ready to admit that the present was not a very favourable opportunity for discussing any measure which was likely to affect the ratepayers in rural parishes, for this was not a moment when they were likely to give a very calm and temperate consideration to measures involving such large changes as the present; and he could easily understand that they would prefer listening to persons who might seek to mislead them into the belief that new burdens would be imposed upon them, although he fully believed himself that it would impose no new burdens upon the agricultural interest, but would tend both immediately and prospectively to the gradual diminution of those burdens. The hon. Gentleman the Member for the West Riding then asked why were the present generation to be called upon to make any sacrifices for the payment of the turnpike debt, and why should they not be contented with paying the interest, leaving the principal uncared for? Certainly, it might be a very pleasant and consolatory doctrine with regard to public, as no doubt it would be with regard to private, debts, if we could always dispense with the payment of the principal of a debt. On a former occasion he had shown, however, that, with regard to workhouses, to county gaols, to shire halls, to lunatic asylums, wherever the Legislature had given powers to local bodies to charge the rates with a debt, they had invariably fixed a term for the extinction of that debt—that they had invariably required the creation of a sinking fund with a view to the repayment of the capital. He must say that he looked upon such a principle as a sound one; though it implied a present sacrifice, it was a sacrifice due to posterity, and he regretted that it had not been introduced into the general Turnpike Act some years ago. He looked upon the six and a half millions of debt, and one and a half millions of unpaid interest, as a legacy which their predecessors had bequeathed to them by not having made provisions which they should have made. The hon. Gentleman argued, moreover, that the effect of the present Bill would be to impose additional burdens upon the counties. He prefixed, however, to that remark rather a singular introduction; because he read from returns which showed that, on the whole, the turnpike trusts were a solvent concern, and that they were in process of diminishing the principal of their debt. But if the turnpike trusts were, as he (Mr. Lewis) fully admitted them to be, solvent concerns, and they had an excess of means beyond the payment of the interest of the debt, he was at a loss to see how the arrangement proposed to be made could throw any additional burden upon the counties. Now he would read a short statement, in order to illustrate the operation of the Bill. The interest paid in the year 1846 was 272,133*l.*, and the principal paid was 168,826*l.*—altogether, 440,959*l.* The amount which he called upon the trusts to pay by the present Bill was 7 per cent upon 6,609,000*l.*, the whole bonded debt, which would give 462,639*l.* as compared with 440,959*l.*, being an addition of only 22,000*l.* He would still further illustrate the operation of the Bill by reference to particular counties, and he would first take Lancashire, which had one of the largest debts. The interest paid by Lancashire in 1846 was 34,658*l.*, and the principal paid was 28,097*l.*—together, 62,000*l.* According to the Bill before the House, the annual payment would be 50,694*l.* however, being 12,000*l.* less for Lancashire than it now paid voluntarily. Under these circumstances, he did not see that Lancashire had much cause to complain; he did not see that any bondholder would be deprived of his security, or that any ratepayer would be called upon to pay more towards the county rate than he paid at present. In Sussex, the interest paid was 9,641*l.*; the principal, 4,121*l.*—total, 13,762*l.* In Oxford, the interest was 4,807*l.* It would, under this Bill, have to pay 5,930*l.* This would be an increase of 1,123*l.*, but it would not be attended with any serious detriment to any class. As to Essex, that was one of those counties in which the debt was the smallest. It only had to pay 1,185*l.*, and would, under this Bill, pay 1,518*l.* He had been asked by several Gentlemen what the effect of the valuation of the debt, and of the other similar measures of the plan contemplated in this Bill, was in six counties of South Wales. He had obtained from the superintendent of roads in South Wales an official statement of the results of the South Wales Act. As to the expense entailed on the counties by the South Wales Turnpike Act, the following statement showed the expenses of repairs, and other charges, in 1843, previous to the introduction of the present system, and what the expenses were last year. For repairs, interest on the debts, debt paid off, the total expenditure in 1843 was 35,482*l.* In 1848, subsequent to the change of the law, the expenditure was 35,002*l.*, by which it appeared that the expenditure under the Act was less than before, although the extinction of the debt was provided for at the end of thirty years. The South Wales system bore a considerable resemblance to the present, with this difference, that an additional burden was thrown on the county rate, but no equivalent was given by the abolition of highway rates. He had a statement of the additional charges thrown on the county rates by the measure: in one county it was 1*d.*, in another 1½*d.*, and in another 5-8ths of a penny. They had not been compensated by any equivalent. The hon. Member for the West Riding had proceeded to make some remarks upon the county board, and had said that he objected to the constitution of the county board as proposed by this Bill, inasmuch as it provided for a certain number of elective members who would be able to control the power of the magistrates by too large a mixture of the elective principle. In the Bill now before the House, the number had been reduced to one. Each district board would elect only one member of the county board; and he entertained little doubt, as the hon. Member had himself suggested, that in most cases they would be inclined to elect the chairman of their board, who was very generally a magistrate and landowner. He did not think that too great a democratic influence would be infused into the constitution of the county board. That was a matter, however, which he considered more a matter of detail; he merely wished, in moving the second reading of the Bill, to understand that the House agreed in the principle of a county board. The hon. Member further objected to making the board of guardians a board for the district. Last Session, when the Highway Bill was considered by the Committee, a district board was proposed, the constitution of which was exactly similar to that of the board of guardians. There were to be *ex officio* waywardens and elective waywardens for each parish, chosen by the same franchise by which poor-law guardians were elected. When this Bill came to be discussed in Committee, it was said that we were creating a set of duplicate boards, which would be a mere repetition of each other, with the trouble and expense of a double election;

and it was suggested that power should be inserted in the Bill of adopting the board of guardians for the district board. On further consideration, it appeared that there was no valid reason for creating a set of boards all over the country, the constitution of which should be similar to that of the board of guardians. It seemed to be the most efficacious and economical course to adopt the board of guardians. He was sensible that strong objections could be made to the adoption of boards of guardians. Previously he had stated, that if the House preferred another constitution of the local board, he was perfectly ready to modify the Bill in any manner which the majority of the House might think proper. He thought that the objections to the board of guardians were not so great as some imagined, and he felt great difficulty in assenting to any of the substitutes he had heard, such as that of petty sessional divisions; that magistrates attending petty sessions should be a board for the management of highways. He doubted whether that plan would be assented to by the House, but that was a question quite open to consideration. The hon. Member went further into an elaborate argument on the subject of a parish rate and a union rate for the maintenance of the highway. That, again, was a question which he preferred not to discuss at length on the second reading; it involved a great many questions, and he acknowledged that fair arguments might be adduced for maintaining parochial rating, and strong arguments could be urged in favour of union rating. His own opinion was that the arguments were in favour of union rating. The hon. Member for the West Riding asked whether the rate was for the whole district or for the whole parish. The meaning was that there should be a rate levied on each parish in proportion to its valuation. The hon. Member appeared to prefer a separate parish charge. No doubt arguments might be advanced in favour of a separate parochial charge, and if the House should prefer keeping up the rating of separate parishes for highway purposes, nothing would be easier than to alter the Bill in accordance with that system. He deliberately preferred a union rate for the maintenance of a highway to a parish rate. He did not concur in the views of those who would wish a union rate for poor-law purposes, but he thought a union rate for highway purposes on the whole the preferable course. The main reason for the creation of turnpike trusts, which began in the reign of Charles II., and were multiplied to the present time, by a succession of local Acts, was the inconvenience of parochial rating for highway purposes. It was found that separate parishes could not maintain the great communications of the country, without some additional assistance by a tax levied on the passengers, and a power of raising a loan; and it was the failure of the separate parochial principle of maintaining highways that had led to the introduction of turnpike trusts. As to smaller roads there might be reasons why a parochial rate was more reasonable. There was a discretionary power, given in the present Bill, to the county board, of assigning the district over which the expenditure was to be levied. That provision was, to a certain extent, borrowed from the Irish Grand Jury Act. By that Act grand juries had the power of determining the part of the county on which the expense of the rate might be levied, and he understood that the regulations had been found beneficial in Ireland. It might be desirable to carry it further, to give the county board the power to enable the board of guardians to impose a parish rate in cases where a parish rate was advisable. The hon. Baronet the Member for Droitwich had misunderstood the duties of the county board and of the district board. The meaning of the Bill was that the district board should superintend the immediate repair of all the roads within the district, and that the county board should exercise a general superintendence over all district boards; and if the definition of district board was not sufficiently clear, that might be considered hereafter. It was intended that the whole management of each district should be confided to the district board, and that the general superintendence over all the roads of the county should be confided to the county board. The hon. Baronet the Member for Petersfield had called attention to a provision which enabled the Exchequer Loan Commissioners to recover all their loans in full. The provision in question was copied from the South Wales Act, in which the Exchequer Loan Commissioners were authorised to recover the whole amount which had been advanced by them. In South Wales all the debts of the Exchequer Loan Commissioners were good debts, and therefore no injustice was committed by requiring that they should be paid in full; but some of the debts of the Exchequer Loan Commissioners in English trusts were not only not good debts, but were in the highest degree bad debts. He believed that there was extremely little chance of recovering the money they had advanced; and, after conferring with the Chancellor of the Exchequer, he was enabled to state that there was no proposition on the part of the Government to throw on the body of the country the obligation of paying the debts of the insolvent trusts, and that the clause to which the hon. Member so much objected would be modified. The hon. Baronet the Member for Droitwich had said, that there were two classes of persons from whom the opposition to this Bill proceeded; namely, the mortgagees and the officers and clerks. As to the mortgagees, his experience did not lead him to believe that the present measure was, on the whole, distasteful to the mortgagees. He did not believe that the bondholders of the solvent trusts, still less that the bondholders of the insolvent trusts, objected to the principle of this measure. He thought this measure was not one that had created any alarm among the bondholders, nor was it one to the principle of which they objected. He was enabled to state that the objections of the mortgagees were not general or strong, but there was a class of persons who entertained a most decided objection to the measure, and they were the officers of existing turnpike trusts. They were prepared to offer a general opposition to this measure, and considered that it dealt with them very hardly. He freely bore testimony to the general good management of turnpike trusts; he believed that the present unsatisfactory state of many turnpike trusts was owing to circumstances over which the officers exercised no sort of control, and that they had claims to the consideration both of the Government and of the House. The withdrawal of the first Bill, and the introduction of the new Bill, had afforded an opportunity of considering the claims of the existing officers to compensation, although, with the exception of one or two Gentlemen, he did not remember that the subject had been at all pressed on his attention. The salaries of the officers were, for the most part, small; from 20*l.* to 30*l.* was the common salary. He had been led to believe that professional gentlemen of eminence who held the office, were not willing to attach much importance to it, and would allow the Bill to proceed; but since the adjournment of the House, and during the recess, he had received a formal communication from a body who represented the clerks of turnpike trusts, who made to him a well-reasoned and temperate statement in favour of the claim of all the clerks to compensation. On looking further into the matter, he found that the clerks by law stood on no different footing from other officers of turnpike trusts. They were enumerated in the general Turnpike Act, which empowered the trustees to appoint officers; and therefore whatever principle the House might lay down as to compensation to clerks of turnpike trusts, must inevitably extend to the whole class. On inquiry he was prepared to admit that he was unable to distinguish between the claims of existing officers of turnpike trusts and other officers whose claims for compensation had been admitted. If the House should be inclined to entertain the question of compensation to the existing officers of turnpike trusts, there was no other fund from which the compensation could come than the produce of the tolls. The sum would be so large, that it would defeat all the calculations he had made, and would convert what he believed to be an economical measure into an extremely expensive one. It therefore at once raised this consideration, whether it would be worth while to pay a new set of officers and to compensate the old set. If the House should think that was bad economy, it would be necessary to consider whether some means might not be devised by which the services of existing officers might be turned to account under some different administrative arrangement. He was not prepared to say, that some plan might not be devised. A portion of the existing officers might be retained. That involved a very extensive change in the local machinery of the present measure, and he was not prepared, without consideration, to submit any plan to the House on the subject. He had stated the question with perfect fairness, and explained the difficulty. Assuming that the question of the employment of the existing officers, and the fair consideration of their claims, could be settled without incurring any large additional charge on their account, he repeated the assertion which he had deliberately made to the House; that, after the fullest consideration of this measure, having gone into it with the assistance of persons more competent than himself to form an opinion, he did not believe it would impose any additional burden worth specifying on any class of the community. He did not believe it would be detrimental to the manufacturing or agricultural interests; and he believed it would lay the foundation for the extinction of debts immediately as well as prospectively. As to the expediency of referring this measure to a Select Committee, there was no wish on the part of the Government to urge the House to a precipitate decision on this important subject. He was aware of the difficulties; he was also aware that the present was not the most favourable moment for considering it; at the same time he was bound to state that he thought the condition of the trusts which were insolvent was such as imperatively to require that this House should no longer stand by as a passive spectator, and allow things to continue as they were. He must call the attention of the House to the fact that a large number of local Acts had expired, and that they were annually renewed, *uno flatu*, by a Bill introduced by the Government; that the Government was thereby required, on its responsibility, to propose an annual renewal of local Acts, as to the necessity of which there was no satisfactory means of forming an opinion, when objections were made as to the propriety of including particular Acts in the renewing Act. If this Bill should not pass, it would be the duty of Government to bring in a Bill to renew some 150 Acts that had now expired. That was a responsibility which the Government, in its present position, had no means of satisfactorily undertaking. If, therefore, some general measure was not likely to pass, he should certainly state to the House that it would be necessary to take some steps for dealing separately with those insolvent trusts which Government was called upon to renew. He was aware of the invidious duty which Government would have to undertake, in attempting to discriminate between trusts which were solvent, and trusts which were not solvent; but if the House refused its assent to any general measure, they must undertake to discriminate between those Acts which ought to be renewed without investigation, and those which ought not to be renewed. If the House was willing to give a provisional assent to those general principles which he had stated at the commencement of his speech, and if they would allow this Bill to be read a second time, and to be referred to a Select Committee, he should have no objection, on referring the Bill to the Select Committee, to go carefully through the whole subject. Whilst the question of highways had been considered by a Select Committee, the question of turnpike roads had not been so considered. He admitted that this was the most difficult part of the subject, as involving the greatest number of vested rights. He was ready to consent to refer the Bill to a Select Committee, on the understanding that the Committee would go into the general question of dealing with turnpike roads and highways, together or separately. At the same time, if, at this period of the Session, a Bill of this kind was sent to a Select Committee, there was very little prospect of any legislation on the subject during the present Session.

Sir R. PEEL was sure that, whatever opinion might be held in the House with regard to the merits of the measure which had been brought forward under the auspices of the hon. Gentleman the Under Secretary for the Home Department, there could be but one feeling as to the obligations they owed him for the very great attention he had paid to this subject—a subject not immediately or necessarily connected with the executive duties of the office which he held, but overburdened as that office was with labour, which the hon. Gentleman had undertaken from a desire to advance the public good. He felt every disposition to acknowledge the fairness and candour with which the hon. Gentleman had discussed the matter; and he should not have said a word, if his hon. Friend had not professed an intention to answer the various objections urged to this measure, and at the same time had omitted to notice certain objections of a totally different character from those to which he had referred, and entitled to greater consideration. The hon. Gentleman had referred to objections on the part of the mortgagees, and of the clerks and other officers connected with the turnpike trusts. The objections on which he (Sir R. Peel) relied were of a different character, proceeding from a different motive, totally unconnected with any questions of personal interest. Those objections were urged by Gentlemen who had undertaken functions of an important and invidious character, imposed by Act of Parliament—namely, the administration of turnpike trusts in their immediate neighbourhood. He would take two cases with the particulars of which he was acquainted; one of an agricultural, the other of a manufacturing district. In one part of Lancashire the trustees had administered their functions with perfect satisfaction to all the neighbourhood; and that part of Lancashire complained that it would be made responsible for the default of other districts with which it had no sort of connexion. If the House had entrusted certain parties with certain functions, and these functions had been discharged with exemplary success, caution ought to be evinced before such parties were deprived of the fruits of their good management. The following were the circumstances of the case to which he referred—a case in the heart of the manufacturing district of Lancashire. There, when the trust began its functions in 1838, it was encumbered with a debt of 57,519*l.* The revenue of the trust was 10,759*l.*, it was now reduced to 8,293*l.*; and yet, with a diminished income, the trust had succeeded in lowering the debt by annual reduction from 57,519*l.* to 23,160*l.* It confidently expected to be able to reduce the whole of the debt in the course of six years. The parties who resided within the limits of the district were anxiously looking forward to the complete reduction. They had willingly submitted to the heavy burden of the toll, in order to liquidate the debt; and they had been eminently successful in their endeavours, as the figures demonstrated. He would now take the case of a turnpike trust in a rural district in another county, which in 1834 began with a debt of 7,800*l.* That debt was now reduced to 2,800*l.*; and in six years hence it was expected that it would be entirely paid off. The parties in that district had relied upon an implied assurance from Parliament, that if they were enabled to pay off their debt, they would then be entitled to reap the benefits of its liquidation, by paying lower tolls, and thus facilitating communication between one part of the country and another. There were in the same county other trusts which had not paid, and could not pay, their debt; and upon what principle of equity would Parliament interfere between those two classes of trusts? Upon what principle would they raise the toll within the limits of the first class—a toll which was now, in many cases, about to be reduced — in order to meet the deficiencies of the second class? Talk of a rate in aid indeed! [*Cheers.*] This was a rate in aid with a vengeance. The county of Lancaster was an immense county; comprising districts which had no common sympathies or interests. Were they to make an economical and perfectly successful district responsible for the debt of an unsuccessful one? Were they to mix up the interests of such a place as Garstang in the north of Lancashire, with the interests of Manchester in the south—to step over all the adjoining districts, and to increase the tolls of one trust, in order to make good the default of some other? This was the objection he had heard to the measure under discussion, and he was surprised it had not reached his hon. Friend the Under Secretary of State, because if it had, he would have noticed it with his usual candour. It was an objection urged—not upon the part of mortgagees or officers of trusts—but upon the part of those who had performed their duty for the benefit of the districts committed to their charge, and looked for the natural return of prudent management — a diminished rate of toll. The subject was altogether one of so much importance that, if the Bill were to be sent to a Select Committee, he hoped it would receive ample consideration. Not having been present at the commencement of the debate, he knew not how other hon. Gentlemen might have expressed themselves; but, for one, he could not give his consent to a measure which would inflict so much injustice. Indeed, his hon. Friend the Under Secretary of State did not hold out much encouragement to the House to support the second reading of the Bill, because he had insisted that those who voted for the second reading would be considered as pledged to four principles. He (Sir R. Peel) felt disinclined to support the second reading upon such terms. He should hold himself at liberty, though assenting to a second reading, to vote against the third reading, unless full justice were done to all the interests concerned. Several parts of the Bill deserved very serious consideration. He was inclined to think that it would be better to keep the highways separate from the turnpike trusts. He thought there might be the means of diminishing the expenses attending the administration of highways. By appointing a common surveyor, and submitting the control of highways to persons practically acquainted with road-making—they might greatly improve the highway system. He doubted, however, the policy of entrusting the management of the highways to the poor-law guardians. In bad times the duties of poor-law guardians were performed with great difficulty, and at all times they were separate and distinct from the duties pertaining to highways. It was very possible that gentlemen might administer the affairs of a poor-law union satisfactorily without being qualified to administer the affairs of the highways. He was at a loss to know why the poor-law guardians should be more versed in highways than the parochial authorities who now had charge of them; and if they were not so versed, then he hoped the poor-law guardians would be kept, as at present to the discharge of functions entirely distinct and separate. He was not arguing against the adoption of the area of the poor-law union as the districts within which the highways should be consolidated; but if the distinction were continued between the highway and the parochial rate, then he greatly doubted whether his hon. Friend would not find it better to place the administration of the highways under a perfectly distinct charge and superintendence, even if he made the highway district coterminous with the poor-law union. Upon a subject of so much importance, and to the consideration of which so much attention had been bestowed, he was not inclined to give hastily an adverse vote; but he never would consent, whatever might be the other enactments of the Bill, to those enactments which would make solvent and well-conducted trusts responsible for the misfortune or the negligence, or—it might be—the dishonesty, of insolvent ones. The House would be acting in opposition to a principle they ought to hold in honour, if they did not permit parties who had discharged their duties honestly to reap the advantages which were the natural result and just reward of prudence and good management.

Mr. CORNEWALL LEWIS, in explanation, promised to confine himself to an answer to the question proposed by the right hon. Baronet who had just resumed his seat. The House would remember that he (Mr. Lewis) had undertaken merely to answer the objections made in the course of the debate; and that he had not undertaken to reply to all the objections which he had received, for he had received a very large number. He certainly had heard from many quarters the objection which the right hon. Baronet had stated with great fairness; but he did not before think himself called upon to give a succinct answer to it. He would now, however, do so. It was quite true that the Bill before the House would throw all the turnpike trusts of a county into hodge-podge with respect to the payment of the debt; and it was equally true that when the interest of that debt was paid, the existing bonds would be submitted to a process of valuation. The bonds of the solvent would bear their proportionate value, and the bonds of the insolvent would suffer a diminution in their value. The holders of existing bonds would receive certain debentures to be called "road notes," which, in case of trusts notoriously insolvent, would be less than 100*l.*; and, in all probability, each trust would be able out of its local receipts to pay the interest upon the bonds which would be reduced by the process of valuation. He therefore did not see how, according to the provisions of the Bill, the solvent trusts would be called upon to pay for the insolvent; and he believed, that if the counties were not thrown into hodge-podge, great unfairness would be done.

Mr. HUME was glad to see the interest excited in the House in respect to roads, for he had long considered that the system of highways in this country was attended with great waste; it had subjected the agricultural interest to heavy taxation. Fourteen years ago he had unsuccessfully endeavoured to introduce a measure to rectify the evil of having, as they still had, so many separate trusts. He approved of consolidation, but not consolidation in the manner now proposed. He was aware of an instance, which occurred in the year 1826, in which no fewer than eighteen turnpike trusts had been consolidated, and the greatest accommodation to the public interest had resulted; and he saw no reason why the same process might not be effectually carried out in every other county in England. He objected to the plan proposed by the present Bill, of throwing the whole expense attending the consolidation upon the Consolidated Fund. According to Clauses 8 and 18, that expense might amount to 70,000*l.* or 80,000*l.* He wondered where the right hon. Gentleman the Chancellor of the Exchequer was—for his exchequer was not solvent at the present moment, so far as he (Mr. Hume) knew; and certainly any attempt ought to be resisted which would have the effect of throwing additional expense upon the Consolidated Fund. He also objected to the imposition of rates upon the counties, believing that they were already sufficiently taxed; and upon these two grounds he considered the Bill objectionable. He should like to see the counties freed from turnpike trusts; but, for the present, the House must deal first with the highways, and then with those interests which were tied up by the Acts of the turnpike trusts. If a county of its own will and accord were able to consolidate the highways and turnpike trusts, without throwing any additional expense whatever upon the Consolidated Fund, he would be willing to confer such a power upon it; but he submitted to the Government that, after the many valid and unanswered objections made to many points of the present Bill, he thought it hopeless to carry the measure through the House. He thought a Committee ought to be appointed to inquire respecting turnpike trusts and the mode in which the highways could be consolidated. He believed that the agricultural interest was subjected to very heavy charges for highways, and that they might be relieved from a large portion of it under different management, economically conducted; but he warned the House against dealing with the public money in reference to matters of this kind, which were of a local nature, and the expense of which ought to be borne by the interests which were benefited by the changes proposed.

Mr. SPOONER said, that concurring in every word which had fallen from the right hon. Baronet the Member for Tamworth on this subject, very little was left for him to address to the House. From every quarter in the part of the country with which he was connected—from Birmingham, Wolverhampton, Dudley, and other places—communications poured in upon him from turnpike trusts complaining that after, by great care and management of their roads, they had acquired a surplus, which they intended to apply to the reduction of their debt, the Government stepped in, and by their measure proposed a blending of insolvent with solvent trusts, to the obvious injury of the latter. But the mortgagees had also reason to complain. They had advanced their money for the formation of roads, partly for profit, and partly to benefit the localities, and they had done so in the full belief that their advances would be repaid to them within a given time, and in integral sums. But the present Bill proposed to merge the particular securities upon which the money had been advanced into one general and mixed security, over which, of course, the mortgagees could not have such direct control; and it was proposed that, instead of the sums being repaid as a whole, they should be paid by instalments. With respect to the opposition which this measure had met with from solicitors, clerks, and others, he might say that, having been in communication with such individuals, residing in Warwickshire, Worcestershire, Staffordshire, and elsewhere, they had declared that they declined putting forward any claims to compensation under this Bill, lest they should be suspected of being actuated by interested motives. Now, those gentlemen in the course they had pursued, had alone considered the interests of their clients, the trustees and the mortgagees, and had not been actuated by personal motives. All the petitions which he had presented on this subject complained of the combination of highway with turnpike trusts, as proposed by the Bill. The petitioners objected to the proposal to take the power at present exercised by the local boards out of the hands of those boards, and to establish a system of centralisation. As the law at present stood, the tolls were first liable to the payment of the interest on the debt, the surplus remaining being devoted to the repair of the roads; but the present measure would most unfairly throw the expense of such repairs upon the district rate. Considering the objections which from all parts of the country were pouring in against the measure, he trusted that the Government would see the necessity of withdrawing it.

Mr. AGLIONBY trusted that the Government, in deference to the objections which had been urged to the measure in its present shape, both in the House and out of it, would see the propriety of withdrawing it. Parties in Cumberland, and in other of the northern counties, declared that they would not have this Bill on any consideration. They objected to it because it mixed up turnpike roads with highways; but their main objection to it was, that it would throw an additional burden on the county rates. But there was still a very strong feeling abroad that the present law required alteration.

Mr. HENLEY thought it would be wise to withdraw the Bill, as there did not appear to be anything left of it to send to a Select Committee. The hon. Gentleman the Under Secretary for the Home Department had said, that by sending the Bill before a Select Committee, the House would be considered as pledging itself on four points: he said that three of those points would be dependent on the fourth, and that those three points must be conceeded—somehow. Now, that was a very loose phrase, and seemed to argue that the Government had not the power of making up their minds on the subject. He thought that the hon. Gentleman had made too low an estimate of the charge which this measure would entail upon the county rates. This Bill did not propose to continue the existing tolls at all. It proposed an entirely new schedule of tolls, pointed out in the schedule to this Act, and which laid down a maximum that might be imposed for every seven miles of road. Who could tell whether in the aggregate, or in the respective counties, the sum would be more, or whether it would be less, than the respective tolls? And if there was any deficiency, it would have entirely to be made up out of the county rates. It was not fair to ask the House to go into a Select Committee on a Bill like this, upon which the Government had already changed their minds twice during the present Session. The hon. Gentleman said there were 150 trusts in the condition which he had stated, requiring annual renewal; and he had said it was hard that the Government should have to renew these Bills every year without examination; but the House was asked by this Bill to perpetuate them for thirty years without investigation of any kind—the House was asked, at one fell swoop, to perpetuate these Bills, which at present hung upon the breath of Parliament, for thirty years, during which the tolls were to be levied without any chance of revision. Let the House consider that the turnpike roads cost the country about 42*l.* per mile, and the present highways about 16*l.* per mile; and if they were both combined together, the expense of the highways would be raised to the same level as the turnpikes, and the burden would be thrown on the county rates. Then, again, there being no local supervision, there would be no local control, because the central county board was to fix upon the sums to be laid out, upon the report of a public inspector; and the district would merely raise the money, and appropriate the sum, having no voice at all in fixing the amount. For these reasons he must support the Amendment for reading this Bill a second time that day six months.

Mr. MANGLES said, he had been the first to mention the case of the clerks in that House; and he could not see why the same principle of compensation which had been recognised in the Municipal Bill and the Health of Towns Bill, should not be equally recognised in favour of the claims of the clerks of turnpike trusts and highways. It had been strongly argued that it would be unjust to make the well-conducted and solvent trusts bear the burdens of the insolvent and ill-managed trusts; but it should be remembered that the clerks had often been the parties most instrumental in reducing the debt of the well-administered and solvent trusts, and it would be most unjust that all the advantage should be transferred from them to other parties who had done nothing at all to deserve it. Formerly, the high roads leading to large towns and to the metropolis were the most used; but since the introduction of railways had been so general, the cross-country roads had become the most important of the two. Many of these cross roads led to railway termini, and were therefore of great public advantage; and yet the burden of keeping them up for the general advantage was entirely thrown upon the parishes.

Sir G. GREY said, that after the appeal which had been made to Her Majesty's Government, and after the discussion which had taken place, he felt bound to address a few observations to the House; and he must, in the first place, say that, considering the many attempts that had been made by the Government during the last four or five years to deal with the subject of highways and turnpike trusts, and the manner in which all those attempts had failed, it was not very encouraging to any Government to undertake such a task again. Every successive attempt had proved the very complicated nature of the subject, and had shown the vast number of interests that were involved in it, which, though not very apparent when the demand for the amendment of the law was first made, yet became sufficiently obvious when the details of the measure came to be discussed by the House. Several hon. Gentlemen had stated that a great desire had been expressed by the country for some alteration in the existing law. He (Sir G. Grey) knew that such a desire had been repeatedly and very generally expressed; yet it had always hitherto happened that, as soon as the Government endeavoured to frame and propose to the House the details of any Bill relating to highways and turnpike trusts, most persons opposed the Bill, and declared that they would rather the law should remain in its present state than that the proposed amendment should be adopted. The hon. and learned Member for Cockermouth had expressed a wish that the present Bill should be withdrawn, though at the same time the hon. and learned Gentleman said, that his county would never rest satisfied until some change in the existing law took place, and until Government were prepared to deal with the two subjects separately. A Select Committee had sat upon the subject of the consolidation of turnpike trusts and highways, and it was a remarkable fact that a very general concurrence of opinion existed in that Committee; but the Bill, notwithstanding, never afterwards made any progress in the House, owing to the various objections, founded upon local circumstances, which were made against it by each hon. Member in reference to what concerned his own immediate interest and that of his neighbours. He granted to the hon. Member for Warwickshire, that the opinion of the House had been very clearly expressed upon the main principle of the Bill, and he freely admitted that that opinion had been expressed adversely to the principle of the measure. What he considered to be the main principle of the Bill was this, that the combined management of the turnpike trusts and highways should be placed in a county board, superseding the present management of those trusts and highways. As to the question whether the present Bill should be withdrawn, or read a second time and referred to a Select Committee, he must say that he objected to Bills being read a second time *pro formâ,* which it could not be denied was a step which implied an opinion favourable to the principle of the measure, and then sent to a Select Committee, not to revise the details merely, but to frame a new Bill upon quite another principle. He should not be acting fairly to the House if he were to avail himself of the suggestion which had been made, because he felt that they could not read the Bill a second time without impliedly expressing an opinion favourable to its principle, namely, a combined management of the highways and turnpike trusts under a county board. It was quite clear that the opinion of the House was adverse to that principle, and that any attempt to consolidate the management of turnpike trusts and highways, or to apply any remedy founded on that principle to the inconveniences arising from the present state of the law, would be generally objected to. The Government, as his hon. Friend the Under Secretary of State had observed, had been induced to propose this measure not only because they thought it was the best course that could be adopted, but because at the end of last Session a very general opinion was expressed by the House that the Government ought to bring forward a perfect and complete measure, embracing both the management of the highways and the turnpike trusts. In compliance with that suggestion, his hon. Friend had applied himself with very great ability and zeal to the subject. He had communicated with all parties who were interested in it, and had been anxious, in all that he had done, to keep the principle which had been suggested constantly in view. In short, he had bestowed the utmost care and attention in preparing a measure for carrying out, in detail, what was considered to be the best principle that could be adopted, and what the Government understood to be the opinion of the House at the end of last Session. But he must say, whether owing to some new mode of viewing this question, or whether owing to the exaggerated alarm that had been created as to the amount of the burden that would be thrown on the county rates by the enactment of this measure, a very great change of opinion had come over the mind of the House. He could not, however, help reminding the House, that when, two months ago, a Bill, founded upon exactly the same principle, was under consideration, he never heard any objection made to the combined management of these trusts. Indeed, his hon. Friend the Member for Montrose very reluctantly consented, upon that occasion, to the withdrawal of the Bill, because he deemed it to be one of so much importance, and because he was afraid that the Government were going to abandon that principle which his hon. Friend now considered to be so objectionable. As to the clerks and other officers of the turnpike trusts, he was not aware that a single word of complaint had been uttered by his hon. Friend the Under Secretary of State with regard to those gentlemen. It was true he did state that he understood there was a committee of those gentlemen sitting in London, and which committee was in communication with the hon. Member for Warwickshire. That hon. Member had distinctly stated that these parties had strong grounds for claiming compensation, and that it was the duty of the Government to take those claims into consideration. At the same time, the hon. Gentlemen said that those officers were prepared to forego their claims rather than that their opposition to the present Bill should be attributed to selfish motives; but when he (Sir G. Grey) referred to the petitions which those persons had presented to the House, he could hardly find one in which a claim for compensation was not put forth. Should the Bill be now withdrawn, he confessed he could not see his way clearly how any other measure upon the subject was to be introduced. With regard to the highways, so long as the opinion which now prevailed existed, it would be impossible that any measure respecting them could receive a fair and dispassionate consideration—he alluded to the opinion which had been recently encouraged, that any alteration in the law in regard to highways would impose a large additional charge upon the county rates. Now, his belief was, that a measure founded upon the principle of this Bill as to highways might, for the moment, impose some additional expense; but he was fully persuaded that the benefit which would accrue from such a measure would far more than compensate the parties who would have to pay that additional expense. In assenting, as he did, to withdraw this Bill on the present occasion, he owned he could not hold out a hope of being able to introduce any other measure, or of providing any substitute for the Bill, during the present Session.

Question proposed, "That the word 'now' stand part of the Question."

Amendment and Motion, by leave, withdrawn.

Bill withdrawn.

AFFIRMATION BILL.

Order for the third reading read.

Mr. W. P. WOOD having moved the Third Reading of this Bill,

Mr. GOULBURN said, he wished to call the attention of the House to this Bill, which the hon. and learned Gentleman had moved should be read a third time. The Bill was extremely plausible in its title, and professed to pay attention to the religious scruples of certain individuals. It was promoted for the relief of gentlemen for whom he entertained the greatest respect, and who, therefore, were entitled to his respectful consideration; but neither of these circumstances would justify him in omitting to call the attention of the House to the dangerous principle which the Bill involved, or to the prejudicial effects it must ultimately have upon the administration of justice. He was one of those who thought that oaths, when properly administered, were very useful in securing satisfactory evidence, and the fulfilment of duties, and therefore he was not prepared to take the step of abolishing oaths in all cases; and still less was he prepared to take a step that would leave it for a man to say whether he would take an oath or not, and thereby open a door to fraud and falsehood. Without making any further preliminary observations, he should proceed to consider the provisions of the Bill. The Bill commenced by referring to the fact that different sects of Dissenters—entertaining conscientious objections to the taking of oaths—had been admitted by different Acts of Parliament to make their solemn affirmation. But what was the principle on which that indulgence was given? It was given because those persons belonged to particular sects that had a religious objection to the taking of an oath. It was on the ground alone of their being so bound that Parliament admitted them to make an affirmation. The Bill went on to say, that because this privilege was given to a certain class of Dissenters, it was expedient that the same relief should be extended to all persons who objected to take an oath. The hon. and learned Gentleman said by this Bill, that because they had given to Dissenters, whose tenets prohibited them from taking an oath, a certain privilege, they were to give the same privilege to members of the Church of England, who subscribed the Article saying it was conformable to scripture that Christians should take an oath before a magistrate, provided it was consistent with the truth. He must say that very bad reasons had been given for the measure; and the reasons having failed, let them see what this enactment required. It was proposed that after the passing of this Act it should be lawful for any person to appear before any justice of the peace, with one credible witness, to say that he is of good character, and on that statement he is to have a certificate that his evidence shall in future be taken on affirmation. When an individual shall say that a man is of good character; that man on payment of half a crown is to be possessed of a privilege that will entitle him for ever after to be heard in a court of justice without taking an oath. He was to receive a certificate from the magistrate, stating that he is a person of good character, who conscientiously believes that taking an oath is prohibited by the law of God; but they did not empower the magistrate to inquire into that fact, though he was to certify from his own knowledge that he was a person who had a conscientious objection to take an oath. The party was to bring that certificate to the clerk of the peace, by whom it was to be filed, and a copy given to him; but at the period when that man was called upon to be examined, there might be no evidence of the handwriting to that document of the clerk of the peace. So that, if the name of the clerk of the peace were forged to the document, there might be no means of questioning the correctness of the certificate, though the man producing it was to be examined without taking an oath. That was, he thought, a sufficient objection to the Bill; but it was not one half of the objections he had to make to it. The man having obtained the certificate in the manner he had stated, that certificate was to be valid for ever after during the life of the individual. The man at the time of obtaining the certificate might be a person of good character; but his character might change; he might be convicted of an offence, and known to be notoriously ill-conducted—he might have no character at the time he came to exercise the privilege, but still his statement was to be considered as valid in a court of justice as the oath of a conscientious man, bound by the solemn obligation which an oath imposes. A man might rear up a boy, and be enabled from his good character to give him a certificate; but when that boy went into the world, he might become profligate; and yet on that certificate his statement was to be taken without oath. How could they expect that due respect would be paid to the administration of justice, when a man who received this special favour had violated the conditions on which it was given to him? When a man was permitted to enjoy the privilege intended for a good man, though he was directly the reverse, the effect must be to do a great injury to the administration of justice. He had known numerous instances in which men had not hesitated to affirm facts to which they would hesitate to swear if they were called upon; and he must say that the penalty which was proposed by the law to be imposed for any violation of the truth, namely, imprisonment or fine, was the most inadequate protection that could be enforced against parties violating it. They knew how counsel would uniformly advise with respect to cases of perjury, on account of the difficulty of proof; and the penalties proposed to be imposed by this Bill, though they might appear well on paper, were not much better than a piece of paper when they proceeded to act upon them. It would not, he thought, be just to a man upon trial to submit him to a tribunal having persons upon it possessed of a privilege of this description. It was said that men would not apply for this privilege except they had a religious objection to the taking of an oath; but it often happened that men were not very ready to examine their recollections as to what was past. They required to have a strong influence operating upon such men, to induce them to make an exertion to recollect all the circumstances they were about to depose to, and indolent persons by a new form of affirmation would be consequently released from that labour. By allowing to persons the liberty of departing from the truth, they would inflict a great injury upon the administration of justice. He trusted, therefore, that those parties who had charge of the administration of justice in this country would not allow a Bill of this character to pass. It would not only introduce an anomaly into the law, but afford the means by which a man might have the opportunity of injuring his neighbour. It conclusion, he begged to move as an Amendment that the Bill be read a third time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. W. P. WOOD regretted extremely that the right hon. Gentleman had taken this course of opposing the Bill on the third reading, and had not stated his objections at an earlier period. He believed the greater portion of his objection had reference to matters of detail which they might have disussed, and the measure might have been modified in Committee. He did not understand that the objections of the right hon. Gentleman applied to the whole of the Bill, and he thought he would be very bold if he said that he objected entirely to the principle of this measure. He thought few persons would be disposed to say that the law should remain as it was with respect to this subject. He begged to call attention to the state of the law in the reign of Charles II., and to a measure passed in the reign of William III., for the relief of Quakers. In the year 1708, they were exempted from giving evidence on oath, in all but criminal cases, and so the law continued up to the time of George IV. Down to the reign of George IV., the Quaker was not allowed to give evidence without oath, but not without protest, for these were the observations of Lord Mansfield on the subject in the case of Acheson *v.* Everett. That was a *qui tam* action, and being one for penalties, it was considered whether, as it was in the nature of a criminal proceeding, a Quaker could be examined. Lord Mansfield said that a Quaker could be examined, and expressed his regret that they could not be examined on all occasions. The result of this state of the law was that, until it was altered, persons were perpetually imprisoned because they would not give evidence on oath. There was another sect, the Moravians, who, as well as the Quakers, refused to take an oath, and they were relieved; and then there was the case of the Separatists, which was most remarkable, as showing the extraordinary position in which they would now be placed if they refused to extend this relief further. The Act with respect to the Separatists was passed in the year 1833; and how many Separatists were there at that time? There were three congregations only in England, four only in Scotland, and sixteen only in Ireland. Three persons composed a congregation—so that the Act was passed to relieve nine Separatists in England, twelve in Scotland, and forty-eight in Ireland. In favour of the present measure they had petitions signed by hundreds of persons; and was he to be told that the relief which was given to nine Separatists in England, to twelve in Scotland, and to forty-eight in Ireland, was to be refused to several hundreds of their fellow-countrymen and countrywomen, who were liable (as had recently been shown at Exeter) to imprisonment if they refused to take an oath, because they did not add to their objection to take an oath some particular heresy which would entitle them to come forward and give their testimony without oath? They talked of giving a premium to dissent; but what greater premium could they offer to it, than to say "You shall be subject to imprisonment for refusing to take an oath, unless you add to that, that you are a Dissenter of a recognised sect." This was a great hardship to the person declining to take the oath; but the hardship did not press upon that individual only, it pressed also upon the community, when the evidence of such a party was lost. If a man were robbed, and if no witness were present but a person who refused to take an oath (that person not being a Quaker, Moravian, or Separatist), the party robbed would be deprived of his remedy against the robber. In referring to the law, he forgot to mention that, to make the climax of this absurd state of things, in the first year of the reign of Her Majesty an Act was passed declaring that not only Quakers and Moravians should be exempted from taking an oath, but every man who had been a Quaker, or had been a Moravian, was relieved from taking the oath. The right hon. Gentleman the Member for the University of Cambridge talked of character, and said that a man without character might avail himself of the privilege; but it appeared that if a man without any character at all could say he had been a Quaker or Moravian, though he had been driven forth from those sects for his bad character, he might at once be examined without oath. That must show the uncertainty in which their legislation would be involved if they did not carry further this principle, for the purpose of giving to the public the evidence of those parties who were indisposed to give their evidence in the present state of the law. The first grievance arose with the Quakers; then followed the cases of the Moravians and Separatists, and they relieved them; and they now had case after case in which the public had been deprived of evidence, and individuals had been punished in consequence of particular tenets held by them as a matter of conscience. Numerous cases had occurred in which great evils had been found to result from the operation of the law as it at present stood. One most remarkable case was that of a bankrupt, who was imprisoned for four or five years because he could not pass his last examination on oath, and he was only liberated by the passing of an Act in the 3rd and 4th Vic., which enabled bankrupts to pass their last examination without an oath. Another case occurred of a person having been run over by a cabman while furiously driving. The witness who saw the transaction had conscientious scruples to give his evidence upon oath; the prosecutor could obtain no redress; the witness was imprisoned, and the prisoner acquitted. The most recent case which had occurred was at the last assizes on the Western Circuit, where a lady of the name of Watson, of a most respectable character, refused to take the oath. After having communicated with a clergyman on the subject, and still refusing, she was at last, with great repugnance, committed by the learned Judge who presided. In civil cases similar grievances had occurred. In the case of Boddington *v.* Wood, a lady of the name of Ashby was called, who refused to be sworn, and, in order to avoid going to prison, it was finally arranged that the case should be referred to arbitration, when she could give her evidence not upon oath, she undertaking to pay all the costs of the suit up to that time, amounting to 150*l.*—more than the whole of her annual income. Several of the Judges felt deeply the unpleasantness of the situation in which they were placed by the operation of this law, and the Lord Chief Justice of the Queen's Bench would be perfectly satisfied with a witness stating, when about to be examined, that he had an objection to take an oath. The only reason why he (Mr. Wood) had adopted in his Bill the plan of obtaining a certificate before the witness gave his evidence, instead of allowing him to make a declaration of his unwillingness when put into the witness-box, was, that he was desirous of following the plan pursued in the Bill passed in 1840, thereby preventing a man saying on the spur of the moment, in order to evade speaking the truth, that he had an objection to take an oath. His having obtained the certificate would show that he had previously taken some pains and trouble in order to avail himself of the privilege. He was sorry to have heard the right hon. Gentleman the Member for the University of Cambridge state, that he had known instances of persons having affirmed what they would not have sworn to. In answer to that statement he would say, that, in all his experience, in every single instance where there had been a refusal to take an oath, it was by persons of the most unblemished character; he had not known of one instance having occurred of a villanous character refusing to take an oath. He had seen in his time some of the most villanous of witnesses; but he had never known any of them refuse to take an oath. He knew that it had been said that witnesses would state before Committees of the House of Commons, where they were not examined on oath, what they would not repeat before Committees of the House of Lords, where they were examined on oath. He denied that such was the case; at least in his experience of fourteen years before these Committees he had not found it to be the case. He hoped, therefore, that the House would consent to the third reading of the Bill.

Mr. HENLEY said, that whatever doubt he might previously have entertained upon this Bill, it had been much removed by the hon. and learned Member for Oxford; because that hon. and learned Gentleman had not answered one of the objections which had been urged against it. The cases which he had brought forward in support of the Bill, would go as far as anything could, in his mind, to show that it ought not to pass. On what ground had he rested his measure? Not upon the conscience of the individual refusing to take the oath; but mainly upon the ground that the ends of justice might occasionally be defeated from the want of some person's evidence, whose refusal to be sworn got him imprisonment, whilst the party accused was in consequence discharged. How did the hon. and learned Gentleman deal with the main question? He went into an historical account of the reasons for effecting the alterations already made; and what did it amount to? Why, that heretofore the Legislature had dealt only with religious classes or sects. But this appeared to be a security that the scruple to take an oath was not one of a light or frivolous nature. The hon. and learned Gentleman did not seem to deal quite fairly with this subject, however; for after stating the number of Separatist congregations in England, Scotland, and Ireland, in the year 1833, he said that each congregation was composed of three persons, and that those congregations multiplied by three gave the whole number of individuals belonging to that sect in whose favour they had legislated. Now, did the hon. and learned Gentleman mean to give the House to understand that those congregations did really consist of no more than three persons each? He thought the hon. and learned Gentleman would hardly venture to say that; but from what he had stated, it was plain that he wished to lead the House to think so. No one who had had experience in taking the testimony from witnesses could for a moment doubt that a good many persons would make statements more loosely—he would not say falsely; but more loosely and highly coloured, when they made them as unattested statements, than when they made them upon oath. If it were necessary for the ends of justice that testimony should not be received upon oath, or that persons should not be compelled to do any thing that they did not like to do, why had not the hon. and learned Gentleman proposed to exempt persons from serving on juries who did not like to serve? No doubt it was a disagreeable thing to give testimony upon a point upon which the witness had to strain his recollection: no doubt it was also a disagreeable thing to have to serve those offices; but would the hon. and learned Gentleman propose to exempt any person from serving on a jury, merely because he had a conscientious objection to serving on a jury in a case, for instance, where the life of a man was at stake? For his part, if the principle of the hon. and learned Gentleman's Bill were adopted, he could not see where they were to stop. Again, if this measure became law, the noble Lord at the head of the Government might withdraw his Parliamentary Oaths Bill. He did not know if that were the intention of the hon. and learned Member for Oxford or not. [Mr. Wood: No!] But if this Bill should become law, there was no doubt that the noble Lord might withdraw his Parliamentary Oaths Bill altogether. If he understood the principle of the measure it was this—that any person who went before a magistrate, and said that he had conscientious objections to taking an oath, should be allowed to make affirmation instead thereof; and in that case, he saw no objection why one of the hon. Members for the city of London (Baron Rothschild) who had not yet taken his seat in that House on account of certain conscientious objections which he entertained to a particular oath, might not, under this Bill, go before a magistrate and obtain his certificate, and come here and make a declaration.

Mr. WOOD: But he must declare "upon the true faith of a Christian."

Mr. HENLEY was not aware that it was necessary to make the declaration in such terms. He would go as far as any man in relieving the religious scruples of persons; but upon balancing the convenience and the inconvenience which would be attendant upon the present measure, he thought that to take each man's individual assertion, without anything to make it certain that his scruples were conscientious and religious, was a step which would be fraught with great injustice. If they took such a step as that, they must do away with oaths altogether.

Question put, "That the word 'now' stand part of the Question." The House divided:—Ayes 70; Noes 46: Majority 24.

List of the Ayes.

Adair, H. E.
Aglionby, H. A.
Armstrong, Sir A.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Berkeley, hon. Capt.
Berkeley, C. L. G.
Bernal, R.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brotherton, J.
Brown, W.
Cobden, R.
Dalrymple, Capt.
Duncan, G.
Dundas, Adm.
Evans, W.
Ewart, W.
French, F.
Gibson, rt. hon. T. M.
Glyn, G. C.
Greene, J.
Grey, rt. hon. Sir G.
Grey, R. W.
Hallyburton, Lord J. F.
Harris, R.
Hastie, A.
Hayter, rt. hon. W G.
Hobhouse, T. B.
Hume, J.
Jervis, Sir J.
Kershaw, J.
King, hon. P. J. L.
Lewis, G. C.
M'Gregor, J.
Maitland, T.
Marshall, J. G.
Marshall, W.
Matheson, J.
Matheson, Col.
Morris, D.
O'Connell, J.
Pearson, C.
Pinney, W.
Rawdon, Col.
Rice, E. R.
Romilly, Sir J.
Russell, Lord J.
Rutherfurd, A.
Salwey, Col.
Scholefield, W.
Scully, F.
Sheil, rt. hon. R. L.
Simeon, J.
Smith, J. B.
Somerville, rt. hn. Sir W.
Stansfield, W. R. C.
Sullivan, M.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Trelawny, J. S.
Tufnell, H.
Watkins, Col. L.
Wilcox, B.
Williams, J.
Williamson, Sir H.
Wilson, J.
Wilson, M.

TELLERS.
Wood, W. P.
Buxton, Sir E.

List of the Noes.

Arkwright, G.
Bagge, W.
Baldock, E. H.
Bankes, G.
Barrington, Visct.
Beckett, W.
Bennet, P.
Beresford, W.
Blair, S.
Bourke, R. S.
Brooke, Lord
Buller, Sir J. Y.
Cobbold, J. C.
Coles, H. B.
Compton, H. C.
Duckworth, Sir J. T. B.
Edwards, H.
Egerton, W. T.
Fellowes, E.
Fitzroy, hon. H.
Fuller, A. E.
Greenall, G.
Hale, R. B.
Harris, hon. Capt.
Hood, Sir A.
Jolliffe, Sir W. G. H.
Lindsey, hon. Col.
Lygon, hon. Gen.
Newdegate, C. N.
Packe, C. W.
Pakington, Sir J.
Patten, J. W.
Peel, rt. hon. Sir R.
Plumptre, J. P.
Portal, M.
Richards, R.
Sidney, Ald.
Spooner, R.
Stafford, A.
Trollope, Sir J.
Turner, G. J.
Vyse, R. H. R. H.
Waddington, H. S.
Walsh, Sir J. B.
Willoughby, Sir H.
Worcester, Marq. of

TELLERS.
Henley, J. W.
Goulburn, H.

Main Question proposed.

Upon the Question, "That the Bill do pass, Captain HARRIS admitted that he was taking an unusual step in opposing the Bill at this stage; but the extraordinary course pursued by the Government compelled him to do so. The Bill had reached the third reading without any opinion being expressed by them on the measure; and although the Attorney General was present when the right hon. Member for the University of Cambridge and the Member for Oxfordshire, both men of great weight in the House, had expressed an opinion that it would defeat the ends of justice, not a word had he said in answer, but the Members of the Government voted in a body for the Bill. He (Captain Harris) had a strong objection to the measure. A case occurred at Southampton last week: a rogue attempted to swindle his brother's widow out of some property, and employed counsel; upon the oath being administered his conscience pricked him, and he evaded kissing the book by touching his thumb with his lips, upon which his counsel threw up the brief.

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow without putting the Question.

HOUSE OF LORDS,

Thursday, April 19, 1849.

Minutes.] *Took the Oaths.*—The Lord Bishop of Tuam, Killala, and Achonry.

Public Bills.—1ª St. John's, Newfoundland, Rebuilding; Grants of Land (New South Wales).

2ª Prisoners' Removal (Ireland).

Reported.—Spirits (Ireland).

3ª Petty Sessions; Recovery of Wages (Ireland); Protection of Justices (Ireland).

Petitions Presented. By Lord Stanley, from Kildare, that the proposed Rate in Aid may be extended to all Descriptions of Property.—By the Earl of St. Germans, from Antrim, against the proposed Rate in Aid (Ireland) Bill. —By Lord Campbell, from Mevagissey, for the Adoption of such Measures as may secure the immediate Liberation of Mr. Shore.—From Kirkcaldy, against the Repeal of the Navigation Laws.—From Nova Scotia, for Inquiry into the Case of Mr. Fairbanks.—By Lord Stanley, from Innishannon, for the Establishment of a complete System of Railway Communication throughout Ireland.—From the Clergy and Laity of the Church of England, that Article 11, Section 3, Cap. 2, may be Expunged from the Criminal Law Consolidation Bill.—By the Bishop of Oxford, from Bermondsey, Glasgow, and other Places, for the Adoption of Measures for the Suppression of Seduction and Prostitution.—From Carlisle and other Places, against the Granting of any new Licenses to Beer Shops.

AFFAIRS OF SICILY.

Lord STANLEY: Perhaps the noble Marquess will allow me to ask him when the papers relative to the recent interference of this country in the affairs of Sicily will be presented to the House? Our mediation having ceased, and all further interference being now unnecessary, I conceive that there can be no reason whatever for the further postponement of the production of these papers. I wish also to ask the noble Marquess whether instructions have been given to Her Majesty's naval forces to withdraw from the waters of Sicily, as the civil war there has been renewed, and whether those instructions (if given) have been acted upon?

The Marquess of LANSDOWNE: I think the time has arrived when these papers *in extenso* ought to be laid on the table of the House. I certainly had hoped to have been able to present them this very day, but I regret, though every exertion has been made by the Foreign Office, that I am unable to do so—they are not quite ready. With respect to the other question, I will say most distinctly that our naval force, under Sir W. Parker, has, under instructions sent to him for that purpose, been withdrawn from the waters of Sicily. When I state that that force has been so withdrawn, of course I do not mean to say that no ships whatever have been left on the coast of Sicily; but I say that those that have been so left, have been left solely with a regard to the interests of British subjects or British property, and with positive instructions not to interfere, either directly or indirectly, in the hostilities now unfortunately renewed, except for the protection of British property. When we consider what may unhappily be the end of the contest, which unfortunately has been renewed in those parts, care must be taken to ensure for British property and British subjects that respect to which they are entitled from all belligerent Powers.

Lord STANLEY: The answer of the noble Marquess is entirely to the point. So far from complaining of the course which has been pursued under the present circumstances, I think that the Government would have neglected its duty if it had not left one or two ships on the coast of Sicily for the protection of British interests, British subjects, and British property; and I am glad to hear from the noble Marquess, that the instructions given to the commanders of those ships are not to interfere, either directly or indirectly, in the contest going on there, but to confine themselves exclusively to the protection of British interests and property.

NORTH WALES RAILWAY COMPANY.

Lord MONTEAGLE moved the Order of the Day for the attendance of William

Chadwick, Chairman, and John Marriner, late Secretary, of the North Wales Railway Company, at the bar of the House. The noble Lord stated at length the circumstances of the case, contending that the persons in question had grossly misapplied the funds entrusted to them; that they had eluded the orders of the House; and that they had been guilty of fraud upon Parliament. He asked, therefore, whether their Lordships thought that such a case ought to be passed over in silence?

The Yeoman Usher having informed their Lordships that they were in attendance, the noble Lord moved that they be called in.

Lord CAMPBELL observed, that what the parties had to answer for at the bar was simply their having refused to obey the orders of the House.

The Motion having been put and carried, they were called in, and being asked by the **Lord Chancellor** what they had to offer in explanation of their conduct in not having produced certain accounts ordered by this House on the 3rd and 25th August last,

Mr. Chadwick replied, that had he received any notice to that effect, nothing would have prevented him from attending to the orders of their Lordships. But the evidence given before their Lordships had been misapprehended. He denied that he had ever received a summons, or that there had been any difficulty interposed to serving him with a summons.

Mr. Marriner said, that he had done everything in his power to conform with the orders of the House. He had laid the orders of the House before the board of directors, but had failed in procuring the information required by their Lordships. He then repeated the statement he had formerly made at the bar, as to the steps which he took to procure the accounts demanded by their Lordships.

They were then ordered to withdraw.

Lord MONTEAGLE begged to observe, that the explanation which had been offered to their Lordships by Mr. Chadwick, amounted merely to this—that he controverted the statement made on oath at the bar of their Lordships' House by one of their own officers. The explanation had reference to the service of notice, but their present proceedings related to the non-performance of their Lordships' orders in not producing certain documents, though they had the admission of the parties themselves that they had received those orders. He would not say that this attempt at explanation aggravated the offence, but unquestionably it could not remove from the minds of any one of their Lordships the conclusion to which they must come, that there was a deliberate intention to disobey their Lordships' orders, and that the moment the parties had freed themselves from the power of Parliament, as they falsely considered, they proceeded to do an illegal act. Nothing was further from his intention than to mix up the case of the misconduct of those parties and a breach of privilege, except so far as the conduct of those parties was necessary to explain the motive with which the breach of privilege took place. It was due to the public at large, that that House, holding its privileges in trust for the people, should not allow those privileges to be trifled with; above all, when the object was to defeat the general law of the land. In conclusion he begged to move—

> "That William Chadwick, having been guilty of a contempt of this House in not obeying the orders of this House of the 3rd of August and the 25th of August last, be for his said offence committed to the custody of the Gentleman Usher of the Black Rod until the further order of this House."

On Question, agreed to, and ordered accordingly.

Lord MONTEAGLE then moved to resolve—

> "That John Marriner, having been guilty of a contempt of this House in not obeying the orders of this House of the 3rd of August and 25th of August last, be for his said offence committed to the custody of the Gentleman Usher of the Black Rod until the further order of this House."

On Question, agreed to, and ordered accordingly.

THE FRENCH EXPEDITION TO ITALY.

Lord BEAUMONT begged to put a question to the noble Marquess below him (the Marquess of Lansdowne) with respect to the expedition sent by the French Government to the coast of Italy. It was not his intention to say one word as to the policy or impolicy of that measure; further than this, that if that expedition were undertaken to put down the republic now established in Rome, and to restore the Pope, it was a curious coincidence that the first step in public affairs of the democratic republic in France should be to destroy another republic that was imitating its own example. It was strange that the first step of a Government established on the ruins of a monarchy should be to restore a monarch who was perhaps the most absolute in all Europe. However strange such a thing might appear, it would be still more strange if it were done with the approbation or concurrence of this country. It would certainly appear to be rather strange if the Pope should owe the restoration of his temporal power to this Protestant Government. He was particularly anxious to ask, after what the noble Marquess had stated that evening with regard to Sicily, whether the Government of this country had taken any part in the way of instigation to the French Government, or in the way of concurring with the French Government in the step they had taken with regard to Rome? After what had fallen from the noble Marquess that evening, and his professions of neutrality with regard to Sicily and Naples—bearing also in mind the bloody scenes and atrocious enormities that had taken place during the struggle between those countries, and that this country having interfered, and having been pledged in honour to continue that interference, had abandoned it—he must say it would be strange if this country did not hesitate to interfere in the internal affairs of another country where no such bloody scenes had occurred, and where there seemed to be unanimity amongst the population. Under these circumstances he put the question to the noble Marquess, whether this country had either instigated or concurred in the step taken by the French Government? It might depend upon the answer of the noble Marquess whether, on a future occasion, he should not feel it to be his duty to bring the whole conduct of the Government with respect to Italian and Sicilian affairs before the House on a substantive Motion, with a view of eliciting from the House an opinion of approbation or disapprobation of its rectitude and policy.

The **Marquess of LANSDOWNE** had no hesitation in telling the noble Lord that the information which he had received with respect to the occurrence to which he had referred—namely, the intervention of the French Government in the affairs of Rome, and the departure of a French expedition for Italy—was perfectly correct. That expedition, however, had not been instigated or suggested by this country, nor had it been the subject of any private negotiation or communication between this Government or that of France, save that an intimation of that expedition had been received. He was not prepared to say that the objects of that expedition were of a nature that the Government of this country would disapprove of. After those observations, he hoped his noble Friend would not consider him as in the slightest degree acquiescing in the statement he had made respecting another country unfortunately engaged in war, but under circumstances between which and the French expedition to Italy, there was no connexion whatever. With respect to the unfortunate contest going on in Sicily, their conduct with respect to that country would, he trusted, be found to be satisfactory, and he denied that, with regard to it, Her Majesty's Government had broken any pledge whatever.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 19, 1849.

MINUTES.] NEW MEMBER SWORN.—Robert Bromley, Esq. for Nottingham County (Southern Division).

PETITIONS PRESENTED. By Mr. Henley, from Fringford, Oxfordshire, against the Parliamentary Oaths Bill.—By Mr. Cobden, from Sedgefield, for the Abolition of Church Rates.—By Captain Pechell, from Brighton, for the Clergy Relief Bill.—By Mr. Roundell Palmer, from several Places, against the Marriages Bill; and by Mr. Stuart Wortley, from Uttoxeter, and other Places, in favour of the same.—By Lord Gordon Hallyburton, from Freeholders and others in the County of Forfar, against the Marriage (Scotland) Bill.—By Lord James Stuart, from Campbeltown, Ayrshire, and by other hon. Members, against the Sunday Travelling on Railways Bill; and by Mr. Locke, from Falkirk, in favour of the same.—By Lord Henley, from Burford, Oxfordshire, for Repeal of the Duty on Attorneys' Certificates.—By Viscount Emlyn, from Castlemartin, County of Pembroke, for Agricultural Relief.—By Mr. Roundell Palmer, from Members of the Order of Odd Fellows, Ellesmere District, for Extension of the Benefit Societies Act.—By Captain Fordyce, from Aberdeen, against the Lunatics (Scotland) Bill.—From the Parish of St. Mary, Lambeth, Surrey, for an Alteration of the present System of Poor Law Medical Relief.—By Mr. Bankes, from Sherborne Union, Dorsetshire, for a Superannuation Fund for Poor Law Officers.—By Viscount Castlereagh, from Comber, Downshire, against the proposed Rate in Aid (Ireland).—By Mr. Ewart, from Members of the Society of Friends in Ireland, for the Abolition of the Punishment of Death.—By Mr. Hume, from Montrose, against the Registering Births, &c. (Scotland) Bill, and Marriage (Scotland) Bill.—By Mr. Cobden, from a Number of Places, for referring International Disputes to Arbitration.

DIPLOMATIC MEDIATIONS.

Mr. DISRAELI wished to make an inquiry respecting the three mediations which, before the Easter recess, Her Majesty's Government announced they had undertaken, but which, after the Easter recess, had assumed the form of three blockades. He wished to know whether the Government were prepared to lay on the table any documents which might explain this strange metamorphosis; and whether, and when, the House might expect to receive those Sicilian papers which ought already to be in the hands of Members? He wished to inquire, secondly, whether there was any objection to lay on the table, as soon as possible, all the papers relative to the affairs of Denmark and the Duchies of Schleswig and Holstein; and, thirdly, whether there was any objection to lay on the table the records of the Congress of Brussels?

Lord J. RUSSELL: With respect to the three questions put by the hon. Gentleman, I have to state, first, with regard to Sicily, that the mediation between the King of the Two Sicilies and the Sicilians has come to an end; and that the papers connected with this subject are now preparing, and will be laid on the table of this House in a few days. With regard to the second subject mentioned by the hon. Gentleman, the negotiations with Denmark and the German Empire, I may state that, as communications are still going on, both with Denmark and the German Courts, it is not advisable to lay on the table the papers relative to that negotiation at the present moment. With regard to the third question, the hon. Member is of course fully aware that no Austrian Plenipotentiary is named to the Congress; although it was promised several months since, that promise was never fulfilled.

Subject at an end.

THE MISLAID DESPATCH—DENMARK.

Mr. HUME wished to know whether the rumour was correct which generally prevailed, to the effect that a messenger arrived on the 26th of March from Copenhagen, with a despatch of importance for the noble Viscount the Secretary for Foreign Affairs, which despatch, it was alleged, remained unanswered and unattended to until too late to prevent the hostilities which afterwards took place? He would put this question to-morrow if the noble Lord preferred to have notice of it, but he thought the question was one that ought to be put, in order that the House might know whether any blame attached to the noble Lord or not in respect to the rumour.

Viscount PALMERSTON: I may as well answer the question now as to-morrow. The facts are these:—After the Danish Government announced the armistice, communications took place between Her Majesty's Government and the two parties to the dispute, with a view of endeavouring to see whether it was not still possible to bring about a friendly understanding, and I proposed, on the 13th of March, a protocol to these parties, in the hope that they might be brought to agree to it. On the 26th of March the Danish Minister received from his Court an amended version of this instrument, to which the Danish Government said they agreed, but they required that the consent of the German Plenipotentiary should be immediately given to that instrument in the form in which they sent it, and they also desired that it should be sent back to them before the 29th of March, in order that they might know whether they were to begin hostilities again, as they had announced, on the 2nd of April. The note of the Danish Minister, communicating this to me, was sent on the 26th of March; it was not made in the usual official way, and it was, by accident, mislaid; and it was not until Thursday the 29th of March, instead of Tuesday the 27th, that I was able to communicate the contents to the Prussian Minister, who was the representative of the central Power. But the proposal was one which it was quite out of the power of that representative to accede to, and it was perfectly immaterial with respect to the result whether the communication were made to him on the Tuesday or on the Thursday. The proposal was one which it was quite inconsistent with his instructions to accept, and therefore his answer would have been the same on one day as it would have been on the other, namely, that he could not agree to it.

Subject at an end.

RUSSIA AND TURKEY.

Mr. ANSTEY begged to ask the noble Viscount the Foreign Secretary whether he had received any information from Constantinople on the subject of the alleged demand addressed to the Porte by the Government of Russia as to the removal of all the Turkish troops from Wallachia and Moldavia, and whether a threat had not been held out, that unless the troops were withdrawn the Russian Minister would demand his passports?

Viscount PALMERSTON: I have no reason to believe that any such announcement has been made by the Russian to the Turkish Government; on the contrary, I have every reason to believe the report to be unfounded. The fact is, that the presence of the Turkish troops in Moldavia was invited, I believe, by Russia; but the only fact I am in possession of is, that the

Russian Government has recently sent General Grabbe, an officer of high distinction, from St. Petersburgh to Constantinople, with the view of endeavouring to effect a friendly arrangement between the two Powers.

Subject at an end.

CONFERENCE WITH THE IRISH MEMBERS.

On the Motion that the Order of the Day be read,

VISCOUNT CASTLEREAGH said: In making the few observations which I have to submit, I throw myself altogether upon the indulgence of the House. I throw myself quite upon that indulgence in laying before you the correspondence which has passed between the noble Lord at the head of the Government and myself on the subject of the conference which took place yesterday.

MR. SPEAKER said, the Order of the Day had been moved, and he did not see how the noble Viscount could proceed in addressing the House on a different subject.

VISCOUNT CASTLEREAGH: I am quite aware that I am not in order, but I beg to throw myself on the indulgence of the House, and I assure hon. Members that I shall endeavour to render my observations as short as possible. It must be in the recollection of every one present that a few days ago the noble Lord at the head of the Government requested a meeting with those Members of this House who represent places in Ireland, in order to confer with them on certain propositions relating to the rate in aid proposed to be levied in Ireland. There were several Gentlemen who entertained strong opinions upon the subject of that rate, and who desired to have an opportunity of considering the propositions which they presumed the noble Lord was about to make to them. It was thought that the noble Lord intended to press for an immediate decision, and the Gentlemen who entertained sentiments adverse to the rate in aid, if the noble Lord should not give them twenty-four hours for consideration, were anxious to prepare an answer by themselves, and to communicate that at the meeting which took place. The hon. and learned Member for Limerick took a part in those proceedings, and was suffered to proceed with business of an extraneous nature, and Gentlemen were unable to decide who should express their sentiments as spokesman. The noble Lord having, at the meeting, in Downing-street, stated his proposition, I advanced towards him and attempted to attract his attention, but I did not succeed in obtaining a hearing. I have now further to state, that I was not present at the meeting of Gentlemen which assembled to consider beforehand the answer that they wished to be given to the noble Lord; but they came to me upon the subject, and I sought, as a common spokesman of those Gentlemen, to address the noble Lord. I ventured to hope, that in courtesy he would have heard me. Having failed in that object, I then addressed a letter to the noble Lord, a copy of which I beg permission to read to the House. It is as follows:—

> "My Lord—I was prepared to state to your Lordship to-day, not only for myself, but on behalf of a numerous and influential body of Irish Members, that whilst in deference to your position as First Minister of the Crown we attended the meeting in Downing-street, we were not prepared to pledge ourselves to the adoption of any particular tax to be imposed upon Ireland. We are not unwilling to discuss any proposal for this purpose upon its own merits in the House of Commons; but without hearing the arguments which might be adduced upon the question, and ascertaining the capability of Ireland to bear increased taxation, we could not be in a position to answer for our constituencies, and must, therefore, abstain offering any advice to the Government as to the course which it may think proper to adopt.—I am, &c."

From the noble Lord I received the following answer:—

> "My Lord—I have had the honour of receiving your letter of this day. I should have waited to hear your Lordship; but as several Members appeared to intimate that they did not wish me to do so, I thought it best to retire, otherwise I must have heard other Members, who do not belong to that numerous and influential body to which your Lordship alludes, and must have assisted at a debate, instead of receiving a decision.—I have the honour, &c."

Having read these letters, I now leave the case to the House with only one remark, which is this, that the meeting to which I referred was a numerous and influential body. I hold in my hand a list containing the names of the Gentlemen who attended that meeting; and, if the noble Lord will look at those names, he will find that I have correctly described that meeting in calling it numerous and influential. I have now only to add, that the whole body of Irish Members came to the resolution which I stated in my letter to the noble Lord.

LORD J. RUSSELL: As the noble Viscount has thought it necessary to make this statement to the House, perhaps I may be allowed to submit one or two observations upon it. In the first place, I beg to state to the noble Viscount, that so far from wishing to show any disrespect to him, I felt very much obliged to the noble Viscount, on whom I had no claim, for doing me the honour to meet me in Downing-street. In the next place, I have to state, that after explaining what the views of the Government were, I said I thought it would be better that the Gentlemen then present should take some time to consider the matter, and I hoped they would favour me with their answer or decision at an early hour this morning, in reference to the Motion which was to be brought forward to-night. The noble Lord, as I understood, intimated that he was prepared then to state what the opinion of the meeting was.

Viscount CASTLEREAGH: Not the opinion of that meeting. I was in no way authorised to do so.

Lord J. RUSSELL: Then, that he was prepared to state the opinion of—

Viscount CASTLEREAGH: Of a very large meeting.

Lord J. RUSSELL: Well, of a very large meeting. Before stating my intention to retire, I stopped to hear the noble Viscount's statement; but several other Gentlemen called out "No, no!" It then appeared to me, if I received the noble Lord's answer, I should not be receiving that of the meeting; other Gentlemen, after the noble Viscount's statement, would declare that they were no parties to it; therefore I should have been involved in a debate as to the real sense of the meeting, and, as my original intention was, I retired into the next room, stating that I would remain there, lest it should be thought desirable to receive any other explanation, which I was ready to give conformably to their wishes on the subject of the statement. I can only again assure the noble Viscount that I am sorry any misunderstanding should have arisen on this subject. If it is necessary to make any apology, I am ready to make an apology. I certainly did not intend any discourtesy to him.

Viscount CASTLEREAGH intimated that he entirely acquitted the noble Lord of ony intentional discourtesy.

Mr. DISRAELI then rose and said: Sir, I have a remark to make on the singular statement of the noble Lord—

Mr. SPEAKER observed, that there was no Motion before the House, except the Order of the Day.

Mr. DISRAELI: I shall conclude, Sir, with a Motion. It is inconvenient and highly unconstitutional that the First Minister of the Crown should call such a meeting which recently assembled in Downing-street; and there has prevailed a feeling of universal surprise that a Minister so much attached to constitutional forms as the noble Lord at the head of the Government should have ever summoned such a meeting.

Lord J. RUSSELL: The House must see, if the hon. Gentleman be allowed to pursue this course of observation, that I shall be entitled to reply.

Mr. SPEAKER: I hope the House will at once see how much better it is in all such cases as this to adhere to the strict rules of order. I reminded the noble Viscount the Member for Down that the Order of the Day had been moved; but it appeared to be the wish of the House that he should proceed; and now I hope the House will support me in enforcing their own rules.

Mr. DISRAELI said: In moving that the House do now adjourn, I conceived that I should be perfectly in order if I proceeded to make a few observations on the subject which the noble Lord behind me has brought under our notice. I can easily, however, find another opportunity for doing this; but I hope it will not be said that I have taken any time for preparation.

NAVIGATION BILL.

On the Question that the Navigation Bill, as amended, be considered,

Captain HARRIS, pursuant to notice, moved that the following clause be added to the Bill:—

"And be it Enacted, That the master or owner of every ship belonging to any subject of Her Majesty, and of the burden of 80 tons and upwards (except pleasure yachts) shall have on board at the time of her proceeding from any port of the United Kingdom, and at all times when absent from the United Kingdom, or navigating the seas, one apprentice or more, in the following proportion to the number of tons of his ship's admeasurement, according to the certificate of registry; that is to say, for every ship of 80 tons and under 300 tons, one apprentice at the least; for every ship of 300 tons and under 600 tons, two apprentices at the least; and for every ship of 600 tons and upwards, three apprentices at the least; all of whom, at the period of their being bound respectively, shall be subjects of Her Majesty, and above twelve and under seventeen years of age, and be duly bound for the term of four years at least; and if any such master or owner shall neglect to have on board his ship the number of apprentices as hereby required, together with their respective registered indentures, assignments, and register tickets, he shall for every such offence forfeit and pay the sum of 10*l.* in respect of each apprentice, indenture, assignment, or register ticket so wanting or deficient."

He observed that there was a great deal of evidence on this subject already before the House, and there was scarcely any portion of that evidence which did not bear out the views on which the clause that he had proposed was founded—evidence which, he contended, most clearly proved that the supply of seamen for the Navy depended on the number of men that were to be obtained from the mercantile marine, and that the quality and efficiency of that marine depended very much on the machinery and supervision of the apprentice law. Upon this point, he conceived that the evidence of Lieutenant Brown was most important. He showed that of the petty officers in the Royal Navy, a very large proportion had served out their apprenticeship in the merchant service. This was corroborated by a paper put in by Sir J. Stirling—a list of the petty officers of the *Howe*, sixty in number, of whom fifteen, or one-fourth, had been merchant apprentices. On the other hand, a Committee of Inquiry, appointed last year by the Admiralty, had ascertained that thirty-seven per cent of the boys entering the Royal Navy for the first time deserted. These, surely, were cogent reasons for maintaining the apprentice laws. Sir Byam Martin, one of the very first officers in the Navy, whether for courage, skill in his profession, or scientific attainments, had expressed the strongest opinion in favour of the system of apprenticeship. Captain Berkeley Nicholas —indeed every naval officer examined by the Committee—had given evidence favourable to it. And, now, what were the objections of the shipowners and merchants? Nine years after the establishment of peace, a meeting of shipowners was held at the London Tavern; and at that meeting resolutions were passed that vessels should be obliged to maintain apprentices, and suggesting the very scale which is now the law. The reasons given were, that, in consequence of the former laws having fallen into abeyance, the character of the seamen was degenerating. [The hon. and gallant Member proceeded to read extracts from the evidence of Messrs. Hankey, Simey, Sandbach, Anderson, Younghusband, and other merchants and shipowners, who either spoke of the apprentice law as but a light burden, or else expressed a strong opinion in favour of it.] He (Captain Harris) had withheld no part of the evidence on this part of the subject, and was, therefore, entitled to come to the conclusion, that the maintenance of the apprentice law was of paramount importance to the Royal Navy, and that amongst merchants and shipowners some considered it advantageous to the mercantile marine, and the rest treated the supposed grievance as a light one. He would conclude by appealing to those hon. Members who, with himself, were anxious for the diminution of corporal punishment, to maintain a law so influential for good in the training of seamen.

Clause brought up and read a first time.

Mr. LABOUCHERE hoped that the hon. and gallant Officer would not deem him guilty of any disrespect if he confined his observations within a very narrow compass. He was disposed to admit the importance of the question in one sense, but he did not think that the grievance arising from the present system of apprentices to the merchant service was very severe. He was, however, not prepared to say that it was a burden, however small, from which the service had not an undoubted right to be relieved. The hon. and gallant Member seemed all through his statement to think that such a proposition was necessary in order to induce lads to enter the merchant service. That argument, however, was answered by the fact, which was notorious, that at this moment, there were between 10,000 and 11,000 apprentices more than what were necessary. It was then obviously unnecessary to have any such regulation made to effect this object. He felt that he was not called upon to enter into a discussion upon this matter at the present moment. In regard to the long-voyage trade, it was decidedly the interest of shipowners to employ more apprentices than the law obliged them in most cases. In short voyages the apprentices which the shipowners were obliged to take, often ran away, taking the earliest opportunity of deserting them. It was different in regard to long voyages. There the apprentices were willing to serve, and ultimately became excellent seamen. The system thus worked naturally as a school for training seamen, and there was therefore no necessity for any compulsory enactment on the subject. Although he thought that some of the shipowners had overstated the effect which this system produced, yet he was not prepared to contend that in some instances it might not act as a burden. After what he had stated he hoped the House would not agree to the clause.

Mr. HERRIES hoped that his hon. and gallant Friend would not press his Motion to a division, as he would be afforded a much better opportunity of effecting his object on Monday next.

Captain HARRIS would not persist, after what had fallen from his right hon. Friend near him, in giving the House the trouble of dividing.

Motion made, and Question, "That the said Clause be now read a second time," put and negatived.

Mr. ANDERSON moved the Amendment of which he had given notice.

Colonel THOMPSON seconded the proposition.

Amendment proposed, in page 2, line 43, after the word "deficient," to insert the words—

> "And that any seamen quitting any vessel whatever in order to enter Her Majesty's Naval Service, and being received into such Service, shall be exempt from any penalty or forfeiture to which they would otherwise be liable as deserters."

Mr. LABOUCHERE said, that the question raised by his hon. Friend the Member for Orkney was one of a class of questions which he had carefully abstained from touching upon in the Bill. He was most unwilling to add to the difficulties which any Minister proposing an alteration in the shipping laws must be prepared to encounter. He admitted, at the same time, that the manning of the Navy was a question of the greatest importance. He did not mean to deny that the manning of the Navy might not be better conducted, nor that, upon a particular occasion, it did not deserve the most attentive consideration of the House. He thought, however, it would be inexpedient to discuss such a question at present. That question was one that ought to be discussed independently. By entering upon the merits of it at present, they would only impede the progress of the present Bill. He felt he was not bound to argue such a question then, as it was not the fitting occasion to do so. He was sure that any plan for altering the manning of the Navy, if it was to be adopted, should only be adopted after full and mature deliberation of all the circumstances of the case. He did not think that they could, at the present time, give such a subject that fair consideration which it ought to have; and, without expressing any opinion on the subject brought forward by his hon. Friend, he hoped that the House would not agree to the Motion. He desired to reserve his opinions upon such a question until a more favourable opportunity presented itself for the discussion of it.

Mr. HUME said, that although he was in favour of such a regulation as that involved in the hon. Gentleman's Amendment, he thought there was much in what had fallen from the right hon. Gentleman the President of the Board of Trade to induce his hon. Friend to postpone the discussion of such an important question until some future occasion, when the whole subject of the manning of the Navy might be brought more favourably under the attention of the House.

Mr. RICARDO was satisfied that, as soon as the shipping interest got rid of that protection which they supposed the navigation laws gave them, they would be the first to appeal to the House to get their grievances redressed; therefore, he trusted his hon. Friend would not press his Motion on that occasion.

Question proposed, "That those words be there inserted." Amendment, by leave, withdrawn.

Mr. GLADSTONE then moved the following clause in lieu of Clause 14:—

> "Provided always, and be it enacted, That it shall be lawful for Her Majesty in Council, upon an address, or joint-address, as the case may be, from the Legislative Council, or Council and Assembly, or proper legislative authority, of any British possession, praying Her Majesty to authorise the conveyance of goods and passengers from one part of such possession to another part of such possession in other than British ships, to declare, by Order in Council, that such conveyance shall be authorised accordingly, in such terms and under such conditions as to Her Majesty shall seem good; and be it enacted, that upon a like address from the proper legislative authority of any two or more colonies, which Her Majesty in Council shall declare to be neighbouring colonies for the purposes of this Act, praying Her Majesty to place the trade between such colonies upon the footing of a coasting trade, it shall be lawful for Her Majesty, by Order in Council, to declare that it shall be deemed and taken to be a coasting trade accordingly, for all intents and purposes: provided always, that the privileges conferred by this Act upon foreign ships shall not be diminished by any such Order in Council, unless by regulations which shall be equally applicable to British ships."

Mr. LABOUCHERE objected to the first part of the clause, on the ground that it empowered the colonial legislatures to proceed by Address, rather than by Bill. Such a course might be attended with some inconvenience; but if the right hon. Gentleman would consent to an alteration of the clause to meet this objection, he

(Mr. Labouchere) was willing to agree to its substitution for Clause 14. The right hon. Gentleman said that he could not consent to the second portion of the clause for placing the trade between neighbouring colonies on the footing of a coasting trade.

Mr. GLADSTONE expressed his readiness to accede to the suggestion of the right hon. Gentleman, and

The first part of the Clause was then agreed to, the second portion being withdrawn.

Amendments made; Bill to be read 3° on Monday next.

POOR LAWS (IRELAND)—RATE IN AID BILL.

The House then went into Committee on the Poor Laws (Ireland), Rate in Aid Bill; Mr. Bernal in the chair.

Lord J. RUSSELL moved—

> "That the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland be authorised to direct the advance, out of the Consolidated Fund of the said United Kingdom, of any sum, not exceeding 100,000*l.*, for affording relief to certain distressed Poor-Law Unions in Ireland, the same to be charged on any Rate to be levied in each Union of Ireland under any Act to be passed in the present Session of Parliament."

The CHANCELLOR of the EXCHEQUER said, it would not be necessary for him to make any detailed statement in moving the Resolution he was about to submit to the House, because he believed they were fully aware of the circumstances under which it was necessary for the Government to call upon the House to vote a further advance of money to relieve the destitution prevalent in the western unions of Ireland; and the object of his Resolution was to advance 100,000*l.* for that purpose, to be charged upon the rate in aid. He might, however, state one or two circumstances which would show the House that it was indispensably necessary that this advance should be made. He found that in some of the unions of Ireland it was utterly impossible to raise the sums necessary for affording relief to those who required it. The poor-law inspector said, with respect to the Carrick-on-Shannon union—

> "It is positively impossible to collect a larger sum than 100*l.* per week, while the weekly expenditure requires 380*l.*"

Of the Bantry union, the inspector reported that to procure the necessary quantity of wheaten meal and flour for baking the bread for the workhouse, for one week, he was obliged to give his personal guarantee to the contractor. The inspector of the Ballinrobe union said—

> "The debts for provisions alone amount to more than 4,000*l.* The vice-guardians have promised to pay the contractors on Thursday next. I am quite sure they will be unable to do so from the rates, and that the contractors will then refuse any further supplies."

With regard to the Swineford union, the poor-law inspector reported that the meal contractors had called on him to state that, in consequence of the large sum due to them, they could not execute the orders of the guardians for the week's supply, leaving the union in a fearful state; and, he added, that from the reports of the relieving officers, and his own observation, he painfully felt that serious consequences might be apprehended from the extreme destitution prevailing in many cases. He could assure the House that it was not from any want of exertion on the part of the guardians to collect the rates that this inability to provide means for the support of the poor existed; for it appeared that in a union with which the Member for Roscommon was probably acquainted, during a period of about fourteen months aggregate rates of 9*s.* in the pound had been levied, and a sum of 26,000*l.* realised off the property of the union on a valuation of 85,873*l.* With very few exceptions, great readiness to pay the rates was evinced, and in a great portion of Ireland a large collection had been made; but in other parts, where the most extreme destitution prevailed, and where many of the tenements were unoccupied, and many of the former ratepayers were now themselves in the receipt of relief, it was clearly impossible to collect an amount of rate at all adequate to the exigency of the case. He would now state the sums advanced out of the grant of 50,000*l.* Advances had been made to seventeen unions to the amount of 38,800*l.*; and in the course of last week, he had authorised a further issue of 5,000*l.*, which sum, however, was not yet distributed, making the whole amount of advances 43,800*l.*, in addition to the 12,000*l.* which had been issued previously to the meeting of Parliament from the funds of the British Association. Consequently, the sum at the disposal of the Government might probably be exhausted in another week; and he could only repeat in respect to these distressed unions, that if assistance from the Treasury should cease, even for a short time, it would be utterly impossible for the destitute population in them to escape consequences which the House would shrink to contemplate. The right hon. Gentleman concluded by moving, that the Government be authorised to advance the sum of 100,000*l.* to certain distressed unions in Ireland, to be charged on the rate to be levied under the provisions of the Rate in Aid Bill.

Mr. HUME wished to know if this advance was to be made before the Bill passed? He had understood the noble Lord at the head of the Government to say, that unless the Bill passed, the grant would not be made. Although he (Mr. Hume) might concur in the propriety of relieving this distress, he saw that the Bill upon which the security for the advance depended was in what might be called a doubtful state. From a communication made this day to the noble Lord at the head of the Government by a noble Lord connected with Ireland, it seemed doubtful whether certain hon. Members were not disposed to oppose the rate in aid; and if that were so, the understanding on which the money was to be advanced might not be maintained. He, therefore, wished to know whether any part of this money was to be advanced before the Bill became law, for he should object to such a course, inasmuch as after the money was paid there might be great difficulty in passing the Rate in Aid Bill, or it might not be passed at all? He appealed to hon. Members connected with Ireland if the destitution in that country were so great, and they did not feel for the sufferings of their fellow-countrymen, and if they would not assist in passing a Bill for their relief, why others should do so, well knowing that their constituents had protested against the advance of any more funds on the same terms as the 50,000*l.*? The House ought to know if it was really the determination of the Government to carry this Bill out, or whether, from the communications which had taken place, it had now become a matter of doubt and difficulty to them whether they should pass it, or adopt some other plan, such as an income tax upon Ireland. Surely the Government must have now made up their minds. If there should be risk that if the money were advanced the Bill might be thrown out, the House would be to blame if they proceeded in the manner now proposed. He hoped, therefore, that the noble Lord would state what his plans were. He (Mr. Hume) should propose to add the following words to the resolution, but would not move them until the noble Lord had spoken:—"That no part of the advance be made until the Rate in Aid Bill had received the Royal Assent."

Lord J. RUSSELL said, he would endeavour to satisfy the hon. Gentleman, at least so far as stating plainly what were his views as to the course which ought to be adopted. The proposal of the Government now was, that the sum of 100,000*l.* should be advanced on the credit of the rate in aid; and supposing this resolution to be affirmed by the Committee, and affirmed upon the report, he then proposed to insert a clause in the Rate in Aid Bill, carrying into effect these advances. It was the Government's intention certainly, seeing that there was no other proposition likely to meet with more general support, to proceed with the Rate in Aid Bill, and to ask that and the other House of Parliament to support them in carrying that Bill so far as to its receiving the Royal Assent. But then the hon. Gentleman asked whether it was their intention to advance some of this money before the Royal Assent was obtained. He (Lord J. Russell) would state candidly to the hon. Gentleman and to the House that only about 6,000*l.* remained of the 50,000*l.* advanced under the former vote. That amount of 6,000*l.* might be expended before the Bill received the Royal Assent; and he did not think he should be doing his duty if he allowed such an interval to pass without affording any relief. He proposed, then, that those who had hitherto received sums mentioned as amounting to about 5,000*l.* a week, should continue to receive such relief during the interval. If that or the other House refused assent to the Bill, he must bow to their decision; but then certainly he should not proceed, or authorise any advances from the Treasury on account of the Bill. But of the sum—and it could not be to a greater extent than some 4,000*l.*, 5,000*l.*, or 6,000*l.* —which might be required in the intervals between the several stages of the Bill, he should feel justified in ordering that advance; and if the Bill should not pass, he could then come down to the House and ask for such a vote as would sanction that advance, but no further amount. What he meant was, that he should ask for 5,000*l.* or 6,000*l.*, which might have been advanced for some weeks—not for the whole sum of 100,000*l.*, but merely for the sum of 5,000*l.*, or whatever it might be which had been advanced in the interval, and to save these sufferers from utter misery and destitution pending the decision. He agreed with the hon. Gentleman the Member for Montrose, that if it was the opinion of Parliament that neither in the one case nor the other the necessary sums should be advanced for the relief of this extreme destitution, the Government would not then be justified in proceeding any further. But in that case those who had refused this Rate in Aid Bill would, he thought, be held justly responsible. Such a course, in his opinion, would not be justified by sound policy. All he could do now was to state plainly what the case was; and he trusted his hon. Friend would not think the Government to blame in not allowing the interval to pass without affording some relief where such extreme distress existed. He should propose that the Bill be pressed with all possible expedition to receive the Royal Assent.

MR. VERNON SMITH begged to ask the Chancellor of the Exchequer whether he had made any calculation as to the particular sum which would be required to meet the destitution in those unions, and whether he could form an idea as to how long the 100,000*l.* would last?

The CHANCELLOR OF THE EXCHEQUER said, he did not state any reason for adopting the particular sum of 100,000*l.* Government proposed to take a vote of money in advance on the credit of a rate in aid to be levied on Ireland; and, as they had found that the sum of 50,000*l.*, which they had already taken, would last very nearly three months, and as the expenditure would necessarily be heavier during the summer months, they did not think the sum of 100,000*l.* would do more than carry them over the intervening months till the harvest was got in—a period not likely to be more than between two and three months. But, should the expenditure be greater than they anticipated, there would still be a surplus from the rate in aid, which they anticipated would return from 200,000*l.* to 250,000*l.* a year.

MR. H. HERBERT then rose to move an Amendment of which he had given notice. He said he could assure the House that never was there an occasion on which they were called upon to exercise their indulgence more special than the present, when he craved them to extend that indulgence towards himself. Perhaps it would induce them to give him that the more readily, if he stated that he would not occupy their attention at any great length; for although a proposition of very weighty importance, such as that he had to bring before them, would require him to enter somewhat into details, still the state of the subject was such that he would not enter into these with any great minuteness. He knew it might be said that it was sufficient for Irish Members to vote against the proposition of Her Majesty's Ministers, and that it was unbecoming in an individual Member of the House to take upon himself the responsibility of doing more than simply negativing the proposition, considering it not his business to advance any substantive proposition on the subject. If it were a question of ordinary importance—if it were one in which merely political or commercial principles were in consideration—if it were any question but the one now before the House, he would say that the observations he had alluded to would be perfectly right. It might be quite consistent for an Opposition to say, "We disapprove of your measure, we disapprove of the principles on which you found it, and we dispute the arguments by which your measure is supported, but it is not our business to propose a measure in its stead." But, on the present occasion, these debates appear to me in the light rather of a criminal trial than as ordinary debates, with this difference, that instead of there being one unhappy wretch, the prisoner in the dock, you are trying a large portion of the people of the sister country. Feeling then that all the argument which could be advanced lay against the proposed rate in aid, and knowing that no argument had been adduced in its favour, and knowing that in the important county (Kerry) which he represented, the inhabitants were at that moment on the very verge of starvation, many of whom would ere this, but for extraneous aid, have terminated their existence by a painful and lingering death, he had felt it necessary, by way of giving the Government proposition his strongest opposition, to announce his intention of moving an Amendment upon it. But if he wanted any confirmation of the propriety and justice of the course which he had adopted, he would find it in the words of the noble Lord at the head of the Government. The noble Lord had stated that night, that if this proposition should be thrown out, and no substitute for it should be proposed, it was not his intention to apply for any further grant for Ireland. He (Mr. Herbert) therefore now reminded the House of what the result would be, should the proposition be thrown out without any substitute. Now he was not pressing the House to go into the question of relative taxation. The House had already given expression to an opinion—whether it was fair or right was not now the question—but it had given undoubted expression to an opinion that, unless Ireland would submit to further taxation in some shape or other, no further grants would be made from the imperial treasury. Therefore, it now became a question with Irish Members whether, waving all consideration of the justice or the expediency, or the policy, of such a tax, they would not come forward and say that, in order to save life, they would submit to a tax. For himself, he had no hesitation in saying, as a proprietor possessed of all the property he wished to possess in that country, heavily taxed as he already was, he had no hesitation in saying, "I believe we will." Those were the motives that had induced him to come forward on that occasion and take upon himself what he thought would appear to be a very awful responsibility, considering the short experience he had had in that House, and the humble talent which he possessed in order to bring it before them. Now it had been decided by the House that some increase of taxation must be imposed on Ireland; yet still it was a question, how that taxation was to be imposed; and in answer to such a question, it had been held by a high authority, an authority not likely to be disputed in the House, that taxation should be placed upon those best able to bear it. When he viewed the proposition of Her Majesty's Ministers in the light of that dictum, he found that it did not fulfil the condition, nor, indeed, any condition, of legitimate taxation. The House had heard the arguments which had been urged against it, and he therefore did not now consider it necessary to enter again upon that discussion, or bring any arguments to demolish what he might call the flimsy structure raised by Her Majesty's Ministers. He might be permitted, however, to direct the attention of the House to a return which had been laid upon the table only yesterday; and especially he begged to call the attention of the right hon. Member for Tamworth to it, for the right hon. Baronet, in his first speech upon his proposal for Ireland, alluded to certain precedents in England for a rate in aid. He was not now going to re-argue the subject, but he wished merely to shew that the argument from precedents failed as applied to Ireland. The precedent alluded to in England was the fact that certain distressed parishes, if overburdened by the poor-rates, might obtain aid from the neighbouring parishes. The return which was moved for by the hon. and learned Gentleman the Member for the University of Dublin was thus described:—

> "A return of the names of any unions or parishes in England and Wales in aid of which any rate or assessment for the relief of the poor has been made upon any county, hundred, union, or parish, during each of the ten years preceding Lady-day, 1848; specifying the names of such last-mentioned counties, hundreds, unions, or parishes, and the poundage and date of such rate in aid; also, the poundage rate which had been made on such first-mentioned parishes or unions respectively, during the year prior to such rate in aid; the amount of such poundage on the valuation, and the amount thereof which had been actually paid prior to such rate in aid having been made."

The Poor Law Board reported the following as the only information which they had been able to obtain upon the subject:—

> "They find that in the year 1844, the parish of St. Alban's, in the city of Worcester, whose population in 1841 was 247, and whose poor-rate in the year ending the 25th of March, 1844, was 133*l*., applied to the quarter-sessions of Worcester, and complained that it was greatly overburdened with poor, and that the inhabitants of the parish were unable to raise and levy among themselves sufficient sums of money for the maintenance of the poor thereof. In the first instance they sought a rate in aid from St. Swithin's and St. Nicholas'. The application was made at the Michaelmas sessions, but was adjourned until the ensuing sessions, when an assessment was made by the recorder upon the parish of St. Nicholas in the sum of 100*l*. in aid of the parish of St. Alban's, and the amount was ordered to be paid during the year 1845, by four equal quarterly payments."

At the Michaelmas sessions of 1847 a similar application was made on behalf of the same parish of St. Alban's, and an assessment was made upon nine parishes to the amount of 100*l*. A similar application was made at the Midsummer sessions of 1847 on behalf of the parish of St. Andrew, in the same city, when 400*l*. was levied upon eight neighbouring parishes: with regard to this the report added—

> "The Board have ascertained, from correspondence in their office, that the application was made on the part of the parish of St. Andrew to enable it to meet a sudden demand made upon them for the maintenance of a lunatic pauper, adjudged to belong to the parish after a long and expensive litigation."

The whole population of these parishes was only 26,000*l*., much less than many electoral divisions in Ireland, and the whole valuation did not amount to more than 99,218*l*. He submitted, then, that to attempt to found a precedent for this species of taxation upon the ground that it had been applied in England, was altogether fallacious. He said he would now advert shortly to the circumstances under which this proposition was made to the House. But first he must say that he had had but very little Parliamentary experience. Before he had the honour of a seat in the House he had been accustomed to read the proceedings which took place there with considerable care; and he would now say, that never, in his memory or in the memory of any other Gentleman, was a proposition brought before the House in a similar way to this. It was proposed to the House by the noble Lord at the head of the Government. It was brought forward first in a Committee of his own appointment. The Members of that Committee wished to hear evidence on the subject, and to inquire, to consider, to reflect whether, on the whole, that was the best mode of meeting the emergency. The noble Lord would not allow it, he pressed it upon the Committee, and he carried it at that time. A great number who were taken by surprise, who, he would say it without meaning any disrespect to the noble Lord, were entrapped into a decision, upon considering the merits of the proposition were convinced that it was not the most desirable method of meeting the emergency. Four Members of the Committee who thus adopted the proposition had since spoken and voted against it; and if it were to go back again to the same Committee—probably the noble Lord had his reasons for refusing time for reflection—he was convinced that it would now be rejected. Well, Her Majesty's Ministers submitted it to a Committee in another place, and the resolution adopted in that Committee was decidedly adverse to it. Only observe how the Government were placed with regard to this proposition. The First Minister of the Crown nominated his own Committee, and for witnesses before the Committee he summoned his own officials—he summoned his Poor Law Commissioners, and such men so circumstanced that their natural bias would be in favour of any proposition that any Government might take the responsibility of making. Well, with witnesses thus selected, every particle, every tittle of the evidence was against the proposition. The Chief Commissioner resigned; yes, when he heard of the proposition being made, without waiting to be summoned—without waiting to be called upon to give any testimony on the subject, feeling how impolitic was the proposition, he resigned. Well, in spite of those circumstances—and he was not overstating them, for he had merely adverted to the general features of the case — the noble Lord pressed the proposition on before the House. He thought he was justified in saying that these circumstances were unprecedented. He believed it never had occurred that when a Government had nominated a Committee upon a subject, when that Committee had decided against their proposition — when their own witnesses were unanimously against it, and when their officials resigned on hearing that such a proposition had been made—he thought that no proposition was ever so introduced to the House. These circumstances might, he hoped, form some excuse for the course which he had taken that night, and which, under different circumstances, he would have shrunk from adopting. He said he wished to state clearly that the proposition which he was about to make to the House, was quite distinct from any question bearing on the general taxation of Ireland. On that subject he knew there was a difference of opinion. Some hon. Members might think that Ireland was already taxed as much as they had a right to tax her; while, again, other hon. Gentlemen might consider she was not. He did not feel himself at liberty to give an opinion upon that subject, and it was not necessary that he should; he only hoped that that question would be definitely brought forward, and he might suggest, by the way, that a Committee should be appointed to consider and finally settle it. If they did not think Ireland was taxed enough, let more taxes be put on. He would say that he believed there were men of a right spirit in that country, who would much sooner pay an additional amount of taxation, heavily burdened as they were already, and bear to have their comforts curtailed, than sit in that House and hear their taunts from night to night. And taunts for what? For not paying what no Minister had ever yet asked them for. He appealed to the House, whether they thought that the Irish Members ought to be taunted? He said, he hoped that the question would be raised in a tangible shape, and that it should be settled whether or not they were overtaxed. If not, then let the additional taxes be put upon them; for then it would be shown that those taunts were not only galling to their feelings, but that they would do England harm. He assured them that every word written or spoken to the disparagement of Ireland did England harm, because England could not feel herself secure so long as feelings of hostility to Ireland existed. And that there were feelings of hostility to Ireland, both in that House and out of it, he knew too well to be able to disguise it. In speaking, then, to this proposition, and giving it his support, no Irish Member need pledge himself to any question of general taxation; for the proposition was intended to meet a great emergency in that country's experience, aggravated as her evils had been by the course pursued towards her in that House. They were come to a crisis, and the question put to them was, how that might be provided for without in the mean time considering the principle of taxation, or whether or not Ireland was now bearing her share. Instead of the proposal made by the noble Lord to raise a sum of 100,000*l.* on the credit of a rate in aid, he (Mr. Herbert) proposed that the necessary amount should be raised by an income and property tax levied on every species of property whatever. He did not wish to pledge the House to any amount to be raised by a tax, because he did not see that there was any charm in the sum of sevenpence halfpenny, or in the minimum of 150*l.*; he did not see that either of these two sums should have a charm for the House, or should be fixed for Ireland. Moreover, they had a precedent of a different sum being fixed—in Scotland, for example, where the occupying farmers were not taxed to the same amount as the occupying farmers in England. In England it appeared that the profits of the farmer were calculated as equal to half the rent he paid, and he was taxed accordingly; whereas in Scotland, the proportion was taken at one-third, and the taxation there went upon that hypothesis. That then was a precedent for adapting the taxes to the capability of the country; and he thought it would be admitted that the country paying the tax should always be considered on its own merits. He would not presume for a moment to bring before the House a regular detailed plan for the taxation of the country; but he maintained that at this crisis a tax ought not to be imposed in the shape of a rate in aid. Still less, however, did he argue that Ireland was fit for an increase of taxation; he thought she was not. He did not believe there was a single interest in Ireland capable of bearing taxation—least of all, that interest which it was proposed to tax by the rate in aid. He should read a few lines from the speech of the First Lord of the Treasury, when speaking last year on the question of the income tax for England. On that occasion he used these words, as applying to Ireland:—

> "If you check the exertions now making in Ireland to place her in a state of prosperity, you check prosperity in the united kingdom; but if, on the contrary, you abstain from imposing on that country a burden which she might for the moment be unable to bear, and reserve the imposition of any additional burden that she is more equal to sustain, you in fact promote the prosperity of England and Scotland itself."

It was then assumed by Government that she was not capable of bearing an increase of taxation; and so it was determined by the vote of the House. He now assured them that the condition of Ireland was ten times worse at this moment than it was last year, and that the various interests of the country, whether the mercantile, or the commercial, or the agricultural, were far less able to bear any increased taxation than they were at the moment when the noble Lord uttered the sentiment to which he had alluded. She was then exempted from an income tax, and the arguments that were used then would apply now with a force increased tenfold. He would not, therefore, now argue that Ireland was able to bear an income tax; still less would he argue that an income tax would be palatable. Always unpalatable, even in England, it was certain to be much more so in Ireland. What it was he rested on as an apology for making such a proposition at this moment for Ireland was, the crisis at which she was arrived. Let it be observed that his was no new proposition. A considerable number of Members had already voted for a very similar proposal—the Amendment moved by the hon. and gallant Member for Longford, which, however, would not have exempted the class the Government now proposed to tax, and he (Mr. Herbert) wished to exempt. However, he had referred to it as showing that his proposition was not entirely new to the House, and that many hon. Gentlemen had already expressed a favourable opinion in respect to it. He remembered that last year a large meeting of Peers, Members of Parliament, and others was held at Dublin, where a resolution was unanimously adopted to the following effect:—

> "That while we fully recognise the claims to subsistence of all our fellow-countrymen, we consider it but equitable that the necessary charge for relief of the destitute should not be borne exclusively by particular classes, but shared by the community at large; and with this object we would suggest that an income or property tax should be imposed on Ireland, the proceeds of which should be applied to the relief of the destitute in aid of local taxation."

He (Mr. Herbert) thought any tax not merely local, but which was levied from the country in general, ought invariably to go into the imperial treasury; and, therefore, he was opposed to the resolution he referred to, which he had quoted, however, as showing how far, at that time, the representatives of Ireland were prepared to go. It had been said in that House, that this was a landlord question; it had been said by the hon. Member for Dublin that the object was to shift the burden from the shoulders of the landlord to those of the hardworking tradesman, and the professional man. He (Mr. Herbert) disclaimed any intention or wish to exempt the landlords; and if he had such a wish, he knew, that were he to bring forward such a proposal, he would not be listened to for a moment by that House. The rate in aid, however, would fall just upon the class that ought to be exempted; it would fall upon those who were on the verge of difficulties, or were perhaps at that moment struggling with them: it would fall upon those who had been the sufferers to a vast extent from the calamities of last year, and who were but beginning to recover their position; it would fall upon that class of which so many were flying from the country, and the evils which they believed to be impending over its inhabitants; and it would thus fall upon the man who, though not rich, was yet labouring with profit to himself and benefit to the country around. Upon these grounds alone he believed the measure was impolitic. It would create more destitution than it would remove. The House could scarcely imagine the difference in the position of the unfortunate farmers which had taken place since the famine. Instead of clinging, as they once did, tenaciously to the land, the difficulty now was to keep them upon it. Landlords had absolutely to coax their tenants to remain; and the noble Lord at the head of the Government might depend upon it that if his measures had any tendency to create a further disposition to emigrate among that class, they would do unmitigated harm to the country, and increase the difficulties with which he would have to grapple next year. The measure, too, would be injurious to the small tradesmen in the towns. If it affected any class at all, it would affect that numerous and deserving body who invested their savings either in small dwellings, or in carrying on small trades, whilst those who carried on a thriving business would be exempt. It was therefore objectionable on this ground. But before he quitted the consideration of its effects upon the agricultural classes, he would mention one fact relative to the county of Kerry, which he had the honour to represent. During the last three years, since the famine, a sum of 1,000,000*l.* sterling had gone out of that impoverished county for emigration and food, without bringing back any return whatever. At least half a million of this money had been expended in the purchase of food. [Mr. Bright: Hear!] The hon. Member for Manchester might consider this fact a sign of prosperity, and so it would be at Manchester, because it would show that the lower classes were able to purchase a larger quantity of food; but the hon. Gentleman must recollect that Kerry was exclusively an agricultural county. It possessed no manufactures, and no other resource but the land; so that the half million paid for food had actually been paid out of agricultural capital, besides the other half million for emigration.

Mr. BRIGHT asked the hon. Member whether the million he referred to was paid by one county only, or more?

Mr. H. HERBERT replied, that it was paid exclusively by the county of Kerry. With regard to the proposition involved in the Amendment, it might be objected that there was no machinery to collect the tax. He could not admit the validity of that argument, especially when he considered that a similar argument was not permitted to have any weight against the proposition of the poor-law. At that time no machinery existed to collect the poor-rates, and it had to be created. If, therefore, the proposition he now made was right and proper in the judgment of the House, he hoped it would not be rejected upon the ground of the want of machinery. Let the principle be adopted, and the machinery could be created. But what did the Government call for? Why, for a tax which was to be collected through the machinery of the poor-law. He wished it was in his power to reproduce the powerful remarks of the right hon. Baronet the Member for Tamworth, against placing any further duties upon boards which, at present, it was found difficult to work. Let the House take care lest, in putting extra pressure upon that machinery, they clogged the wheels till the machine failed to work for the purpose to which it was adapted. He had but one more argument to urge in support of his proposition. As he had already said, it was but a choice of evils; and anybody making such a proposition must labour under great disadvantages, because he was compelled to admit all the arguments against it. Now, a great majority of the Irish Members—or, at all events, a great majority of the Irish people—were very much taken with the comprehensive plan of the right hon. Baronet the Member for Tamworth. That scheme was a bitter comment upon the do-nothing principle of Her Majesty's Government; but it had a condition attached to it, which was, that in order to carry it out, Ireland must bear increased taxation. He (Mr. Herbert) was disposed to accept with very great respect any opinion of the right hon. Gentleman; and if he, with his knowledge and experience, thought so gigantic a plan necessary for the prosperity of Ireland, what a bitter commentary upon the measures of Her Majesty's Government! That plan had excited great hopes in Ireland. Among others, it had excited the hope that the present Ministers would not long occupy the Treasury benches. In many parts of the south and south-west of Ireland there wanted but the *laissez faire et laissez passer* system of Her Majesty's Government to extinguish the last ray of hope. At the present moment there was but one feeling there, and that was a feeling of disappointment. He had himself protested against the course of Her Majesty's Government with reference to the poor-law. He protested against their measures when the noble Lord proposed the grant of 50,000*l.*; and now, again, when a grant of 100,000*l.* was proposed. [Lord J. RUSSELL: And against the Land Improvement Bill?] No, not against measures for the improvement of land; but particularly against the conduct of the Government with reference to the poor-law. He protested, too, against the statements that Irish Members were looking for more grants of money—for he declared his conviction that it was the neglect of suggestions made by Irish Members which had materially aggravated the evils for the cure of which the House was now called by the Government to vote money. He acknowledged the debt of gratitude owing by Ireland to this country during the late crisis; but the blame of mismanagement and the want of good effects rested, not on the people or gentry of Ireland, but upon Her Majesty's Government. He felt strongly the position in which Irish Members were placed upon this question. He hoped English Members would never know what it was to stand in the position of the representatives and country gentlemen of Ireland. England had had her distresses and trials, but they had always been of a local character. He hoped English representatives and country gentlemen would never be in a situation to feel that all the exertions and sacrifices they might make were but as a drop in the vast ocean of misery; he hoped they might never be selected to endure a law placing upon them, not a fair and legitimate responsibility, but a burden of liability which they could not and ought not to be called upon to bear—which placed them in the position of a man tied hand and foot and thrown into the water, whilst those who had so tied him stood on the bank reading him lectures, and calling upon him to swim. This was no exaggerated description of the position of those who had property in the south and west of Ireland. They were

> "——impoverished, deprived of all command,
> Their taxes doubled, as they lost their land."

A change of circumstances had taken place since he had given notice of this Amendment. When he first proposed it, he honestly believed that the substitute he proposed would be the best for the emergency; and, at that period, he had a full intention of dividing the House upon it, even if he stood alone. It was not, however, his intention to withdraw his Amendment, though the events of yesterday had totally changed the position of a number of hon. Gentlemen who might, or might not, have supported the proposition. He found these words in the speech of the noble Lord during the most extraordinary proceedings of yesterday:—

> "I should not, however, act fairly, and fully explain the intentions of the Government, if I were not to say that, according to all the information which we have collected, both in the past year and the present year, with respect to an in-

come and property tax upon the same classes and to the same amount as in England, if we were to make that proposition, we should feel it necessary to accompany it with other propositions with respect to taxation in Ireland."

Such were the words of the noble Lord at that meeting. [Lord J. RUSSELL: Go on.] Very well; the noble Lord further stated—

"The whole amount would not be more than we now expect to raise by the rate in aid."

The noble Lord had not stated what the other propositions, with respect to taxation in Ireland, were to be. It would, therefore, be perfectly consistent with the most *bonâ fide* honesty of intention to withdraw the Amendment. That, however, was not his intention. He should reserve his course until he heard the "other propositions of the noble Lord; and he hoped the noble Lord would not treat the House in the same cavalier manner that he had thought proper to treat the Irish Members. He trusted the noble Lord would not tell the House, as he had told the Irish Members, to deliberate upon a question without telling them what the question was. He hoped the noble Lord would not venture to ask the House to vote for the imposition of a tax, of which he would not tell them even the name. He hoped the noble Lord in the course of this discussion, would condescend to state distinctly what the other taxes were to which he referred. At all events, if the noble Lord did not, and if his own proposal did not appear satisfactory, he hoped the House would not consider him guilty of a want of sincerity in withdrawing the Amendment. He hoped, however, the noble Lord would give the explanations which were required; and, in the meantime, he should conclude by moving the Amendment.

Amendment proposed—

"To leave out from the words 'distressed Poor Law Unions in Ireland,' to the end of the Question,' in order to add the words 'and in consideration thereof that an Income and Property Tax be assessed on incomes and property in Ireland not liable to Income and Property Tax under the Act 11 and 12 Vic. c. 8,' instead thereof."

MR. FRENCH expressed his regret that the hon. Gentleman should have felt it his duty to proceed in a course which was entirely opposed to the opinions of a large and influential body of the Irish Members. He did not think the hon. Member for Kerry had succeeded in making out a case that would justify the House in adopting his proposition. He had quoted the opinion expressed on a former occasion by the noble Lord at the head of the Government, that Ireland was unable to bear any additional taxation, and he had said that at the time that opinion was delivered, the state of things in his own part of the country was exceedingly bad, but that it was now ten times worse. In this opinion every Member for Ireland would coincide with him. There was no doubt that while the means of that country had diminished, the destitution of the people had increased. He did not agree with the doctrine, that those who were opposed to any measure on the part of the Government were bound to bring forward some other measure as a substitute. It was enough to justify their opposition that they considered the proposal unsuited to the condition of the people. Now, looking to the 27th clause of the Act of Union, he contended that it was not competent for the House to impose a separate taxation upon Ireland, unless it could be shown that that country did not bear its proportionate burden as fixed by that Act. But he believed that Ireland did pay her proportion of taxation. It was forgotten that a large portion of the rental of Ireland paid the income tax in this country. The rental of Ireland was 13,000,000*l*., 8,000,000*l*. of which were remitted to the absentee landlords and mortgagees resident in England, all of whom paid the income tax. It was quite clear that the noble Lord at the head of the Government concurred in the opinion formerly expressed by the right hon. Baronet the Member for Tamworth, that Ireland did pay a full equivalent for an income tax, because the noble Lord, in his speech to the Irish deputation yesterday, had said that if the Irish Members disapproved of the rate in aid, and were prepared to vote for the Amendment of the hon. Member for Kerry, he (Lord J. Russell) was ready to take an income tax, but he should hold himself free, in order to raise the 300,000*l*. required, to impose upon Ireland every tax which was at present payable by England, but from which Ireland was exempt. But why was Ireland excused from paying these taxes? Not from any leniency shown to that country, but because the expense of collection would have exceeded the amount collected. It was altogether a pounds, shillings, and pence question. Ireland had been taunted for not having repaid the million of money lent her for building workhouses, and had been reminded of the very different conduct which had been pursued by England, where between 2,000,000*l.* and 3,000,000*l.* advanced for the same purpose had been repaid. But how very different were the circumstances of the two countries! Ireland protested against the advance. To her a poor law was an innovation, whereas in England that system had existed for centuries. But, in addition to this, at the time the poor-law was introduced into Ireland the people of that country were told that 350,000*l.* would not only maintain the whole of their destitute poor, but would enable them to repay by instalments the million of money which had been advanced to them. But what was the fact? Ireland paid last year 1,300,000*l.* over and above the sum which Government had pledged themselves should be the limit required for the support of her destitute poor. Did English Members consider the enormous expense this country was incurring by maintaining the present system in Ireland? It was impossible, in justice either to England or Ireland, that the system of outdoor relief could be maintained. The right hon. Baronet the Member for Tamworth, whose experience and practical sagacity no one could dispute, and than whom none was wiser in his generation, had declared that this course could not be maintained. There had been employed in Ireland for the collection of poor-rates between October and February last a military and constabulary force amounting to 8,000 men. He called upon English Members to consider whether they were not sacrificing themselves by upholding such a system. A great authority had very recently reminded them of the wide difference that existed in respect to the condition of the two countries; and had pointed out that in England property was subject to the charge of a poor-rate, and that all engagements were entered into with especial reference to that charge, whereas in Ireland the land was inherited free from any such liability, and all engagements were entered into under the idea that such a charge would never be imposed. He denied, therefore, that the land of Ireland was subject to sale for the payment of arrears for poor-rates. It was of importance that the right hon. Baronet the Member for Tamworth should have shadowed forth a plan of such vast magnitude as he had done in respect to Ireland, because it showed that he was aware of the crisis in which Ireland was placed; but it was dangerous, coming as it did from such an authority, that it should be left in an indefinite shape. Let the right hon. Baronet propose his plan in an intelligible form, let him not deal in generalities, and turn their minds away from what was practicable. The plan of the right hon. Baronet was so vast, that it would involve at once an outlay of 30,000,000*l.* of money. Was the House prepared to vote such a sum for such a purpose? He thought those who supported the right hon. Baronet's proposition did not take a full view of the case. Ireland possessed resources sufficient to secure the prosperity of the country, which only needed capital to develop. The introduction of capital would result from good government; and if the noble Lord at the head of the Government could devise and carry out such a scheme of government, he would add to his fame, and remove the great difficulty of his administration. He would not detain the House further, but was anxious to remove any impression that might exist, that any want of courtesy to the Ministry induced Irish Members to refrain from stating their opinions on the proposition before the House.

Mr. J. O'CONNELL considered that Irish Members were placed in a most unfair position in being called upon to choose between two measures—both of them measures of great injustice and hardship towards Ireland. Seeing that the whole system of government now tended to draw money from Ireland to be spent in England, it was in his opinion only just that England, who derived the benefit, should pay for the poverty which that system occasioned. It was most ungenerous on the part of English Members to call upon Ireland to support that poverty; he should have thought they would have been proud rather to have had the opportunity of doing so much justice to that unfortunate country. With regard to the Amendment, it would be most disastrous. Ireland now paid more than her fair share of taxation, and he could not vote for the imposition of a further tax, which, besides its injustice, he knew it would be impossible to raise. Then, as to the Government proposition—the rate in aid. That also was open to many objections. The poor man, who was now supporting himself with difficulty, would be ruined if forced to pay it, and the result would be to add to the pauperism which already existed. But what was he to do as an Irish Member? He saw his countrymen perishing by starvation, and the waste of human life was becoming frightful in its extent. The House refused to listen to the cries of perishing humanity, and, disregarding a most solemn obligation between two nations, proposed to tax Ireland beyond her fair share, in violation of the Treaty of the Union. Placed in the dilemma in which he found himself, disastrous as he knew the rate in aid would be, he saw no alternative but to vote for it, as the only means of obtaining that immediate relief which was necessary to prevent the still further spread of famine and starvation. He should therefore vote for the Government proposition, but with the saddest forebodings of the misery it would occasion. He hoped the House would allow him to read some statements as showing the manner in which, while they were debating these projects, human life was being sacrificed in Ireland. The first was a letter from the Rev. W. Flannelly, C.C., dated Clifden, April 10. He said—

> "Every hut in the district is full of dysentery, and even along the hedges the unfortunate evicted outcasts can be seen perishing of neglect and starvation. On Thursday last one died near a ditch, in Tuvegariff, and his only protection against the damp earth, or the inclemency of the weather, was a handful of half rotten straw. Michael Coarsy, of Giranbane, died of starvation, and his hovel was tumbled over him by the "driver" in the last agonies of death. Thomas Mullin, of Cloon, died of starvation, and his whole family, already reduced to walking skeletons, must soon share the same sad fate. The whole population will be swept away by the half-pound system, especially as there is no medical aid of any sort in this wild and extensive territory. It is a wonder the Government would not take the trouble of paying a small salary to a medical man, if they value the lives of Her Majesty's faithful subjects."

In another letter, dated April 14, he said—

> "On my journey through the parish this morning, to attend dying calls, now more numerous than ever, on account of the prevalence of dysentery, &c., I met the heartrending spectacles of two dead bodies not one mile asunder on the public thoroughfare. Application was made to the relieving officer for a coffin, but to no purpose, and the messenger informed me that he was insulted and beaten for daring to call for any such thing. Last week an inquest was held on John Chambers, who died for want of sufficient food. He had eight children and wife; got 31½ lbs. of yellow meal weekly, say about eight ounces to each individual daily! As a matter of course, he died, as also his son Michael, same hour, same cause, father and son in one coffin, his nephew Gallagher in the same grave, who got no meal. It was proved that this man was frequently carried home from stone-breaking. We next went to Carrasollagh, where Mary Gibbons was buried on the mountain side; I should not say buried, for she lay under a wall from whence her unfortunate husband threw down stones to cover her remains, not having a spade, nor strength if he had one, to dig a grave. The poor man, Gibbons, in coming out of his wretched hovel to give evidence before the coroner, fell to the ground from exhaustion; his family of five got twenty-one pounds of meal weekly—say about ten ounces each daily! The jury came to the same conclusion, that the woman, Mary Gibbons, died of starvation. It was proved that this family were generally the last two days of each week entirely without food. Two houses were pointed out to us, in one of which three persons were buried in the floor, and in the other one person. Same week a man was seen crossing the mountain with a dead man slung in a rope on his back. Same week a girl was found dead under a wall at Oriendoff, her head resting on a stone. Same week Rev. Mr. Scally met two females, wretched skeletons, dragging a dear relative to the grave."

With these facts before him, he felt that the blood of these poor people must be on the heads of those who refused to adopt any means that offered to relieve such unexampled misery.

Captain JONES said, that it was his intention to vote for the Amendment of his hon. Friend the Member for Kerry, because he thought it better than a rate in aid. The county which he had the honour to represent (Londonderry), stood second or third, if not first, in Ireland— [Mr. French: Do you mean with regard to latitude or longitude?] He said, that he meant with regard to taxation. There were districts in Derry that paid as much as 4*s.* 6*d.* in the pound in rates. He had recently presented a petition from the grand jury of Derry against the rate in aid, but expressing their willingness to contribute to any equitable taxation that might be imposed. He begged to repeat what he had stated on a former occasion, that he was convinced if the collection of the rate in aid were mixed up with that of the ordinary poor-rate, it would endanger the working of the whole poor-law system in Ireland.

Mr. R. M. FOX said, that he did not rise with the view of arguing the question of the soundness or unsoundness of the rate in aid, as he believed that even the supporters of the measure admitted that it was unsound in principle; but he wished to point out to the House the injustice of taxing the northern and eastern districts of Ireland for the support of the poor of Connaught. There were, it should be recollected, some material differences between the poor-law in England and in Ireland. They had no law of settlement in Ireland; and, again, with regard to the payment of rates, the tenant in Ireland deducted not merely half the rate, but half of the poundage rate from every pound of rent that he paid his landlord. It was consequently the interest of the tenants on boards of guardians to have the valuation of the unions as low as possible; and in some instances the inequality thus produced operated so unjustly that in the union in which he resided, he would have to pay 9*d.* for every 6*d.* paid by his hon. Colleague in another part of the same county. He confessed he should prefer the proposition of an income tax to that of the rate in aid, upon the understanding that the tax should be similar to the English income tax, and paid into the English Exchequer, so as to give the Irish a right, which he thought they had already, but which would then fix the right upon the mind of every English Member, that in times of emergency they could draw upon the Imperial Exchequer for the relief of the people, whether for the relief of distress in Connaught, or in the western isles of Scotland. He was satisfied that if they passed the rate in aid now, they would have the income tax in addition in the course of two years; but if they voted for the income tax, they certainly would not have the rate in aid. Another objection he had to the rate in aid was, that it was, in the first instance, to be paid by the poor tenantry, which was not the case with the income tax. Now, he preferred meeting an emergency like the present with money taken from the funds of the rich, rather than from the small means of the poor. They had heard a good deal of argument against the proposal to forgive arrears of rates which had already accumulated upon many estates. It was his belief that they must do so at last, and if done once and for all it would prove of great benefit in promoting the occupancy of lands which were now lying idle. The hon. Member for Dundalk had argued that it would be advantageous to let the lands go out of cultivation for a time, and that, if let run to grass, they would become more valuable to the landlord; but the fact was, that these lands were nearly exhausted, and when they became waste they were overrun with weeds and thistles so as to injure the cultivated fields around them, and to become worse and worse every year. But there was a more important question than the fund from which the money was to be raised, and that was, how it was to be expended. In the present system he saw lavish expenditure, insufficient relief, and continued demoralisation. He thought they had taken an erroneous view of the state of Ireland. The truth was, there had always been distressed districts in the country; but the other portions had been enabled to struggle on till the extended poor-law, by the working of the electoral system, swamped all the districts together. Now this evil was to be met by the Government searching out the original plague spots, and separating the sound from the unsound districts. They should leave the sound districts to take care of themselves, which they were perfectly able to do, and in the unsound districts they should hunt the evil up into a corner, and apply a vigorous remedy. The means of doing so was to some extent pointed out to them by their Boundary Commissioners; and he entreated the Government, if they would not adopt a still smaller area of taxation, at least to adopt that recommended by him. He would recommend that not relief alone should be given, but that assistance to emigration should also be afforded. He would now allude to what had been called a great measure for Ireland. He must say that he thought that great proposition involved a serious amount of danger. He had listened most attentively to the speech of the right hon. Baronet the Member for Tamworth, developing his scheme, and he was aware that in Ireland it had excited a great deal of hope. But the House ought to recollect that such was the condition of Ireland, that they were ready to grasp at any proposition which might be held out to them. The basis of that plan appeared to be that it was to be worked through the medium of English gentlemen residing in Ireland. Now, he wished the House to consider how needy parties in Ireland—and he believed they were all needy, whether landlord or tenant—how they would come before the commission, in the one case with a proposition for the sale of their lands—in the other seeking for the means of emigration. He believed that no English gentleman would be able to stand the importunity of the exacting demands made upon them. But there was another difficulty. In carrying out the vast scheme of emigration which the plan contemplated, the commission would have to contend with the influence of the Catholic clergy in the west of Ireland. They and their flocks were inseparable, and the clergy would not submit that their flocks should be expatriated in the manner proposed. This difficulty, he believed, would be found to be insuperable. Hon. Gentlemen seemed to start with the principle, that it was the duty of the landlords to employ the labouring population in the country. He believed they might as well say, that when a great house in London failed, it was the duty of the landlords to employ the shopmen. He considered that it more properly belonged to the farmers to employ the labouring population, and he must say he believed that the departure of the small farmers would be the greatest boon that had ever been conferred on Ireland. They never employed labourers themselves; they never would if they could help it; the land was badly and insufficiently tilled by the members of their own family; and in times of difficulty they themselves became labourers. He thought, therefore, the departure of that class would be a great benefit, as it would enable the land to get into the hands of men of science and skill, who would give employment to the labouring population, and without that he believed Ireland would never be raised to her proper position. With regard to emigration, he hoped the Government would be cautious in what they did, and take care not to injure that which constituted one of the best and finest feelings of the Irish character—the readiness of the Irish emigrant who was successful himself, to help the emigration, not of members of his own family only, but of his friends and neighbours. Care must also be taken not to remove too many of the ablebodied labourers, for he looked forward to the time when even more men than were at present in Ireland would be required for the labour of the country. He concluded by a reference to the extent of the private charity which had been sent to Ireland from England. He stated the opinion not only of his own constituents, but of every man worthy the name of an Irishman, when he implored the House to believe that, whatever might be said by a few angry spirits, Ireland was at heart most deeply thankful. He implored the House to believe, that deep as was the debt, still deeper was the gratitude which was felt for those unparalleled exertions by which so many lives had been preserved.

Colonel RAWDON said, he would not enter into the wide field of argument to which the hon. Gentleman who had just sat down had invited the Committee. He had abstained from voting on this question for two reasons—first, because he was reluctant to say "No" to the only proposition which the House had had before it for affording relief; and, secondly, he was reluctant, by his single vote, to add to the embarrassment which must attend this or any Government in the administration of Irish affairs, under such a pressure. But at the same time he was bound to say that, reluctant as he was to say "No" to the proposition of the Government, he felt that his own private opinion must give way to that of his constituents, who had a right to have their sentiments represented. If, indeed, he had made up his mind to vote against the rate in aid, he should have tendered the resignation of his seat immediately. But he had received no communication or representation whatever—though he knew the feeling in the north of Ireland against this measure was strong—from the particular borough with which he was connected. His own objection, independent of that which was generally entertained against a rate in aid, was, that in his opinion it trenched upon the spirit in which the Act of Union was worded. The words used by Mr. Pitt in bringing forward that measure were, there should be a perfect identity of interests; that Ireland should be as Yorkshire was to England. If the proposed rate in aid had been an imperial rate in aid, extending over the various counties of England, Ireland, and Scotland, for relief from a dispensation of Providence, he was satisfied that Irishmen would freely incur their share in any tax which might be proposed. He was satisfied that if the positions were changed, and that Yorkshire should be placed in the lamentable situation in which Ireland was, such was the genuine feeling of Irishmen, that they would freely be taxed for the relief of that distress. In conclusion, he must protest against the manner in which a dispensation of Divine Providence had been treated by the Imperial Parliament. He was bound in honesty to protest against it. He held, with the right hon. Baronet the Member for Ripon, that to refuse the aid which was given by a grant of 50,000*l*., was tantamount to passing sentence of death upon a large number of our fellow-creatures; and it was with a feeling of sorrow that he had witnessed the difficulty which the Minister had to obtain that grant. When he recollected that millions had been lavished for commercial interests—yes, for commercial interests—though he was sorry to say that Ireland had little to do with that, except the blood her sons had shed in supporting the interests of the empire—he said it was impolitic on the part of the Imperial Parliament to stand in the way of a grant which involved consideration of life and death. He never could forget—and he was satisfied it had prejudiced the public welfare—the struggle which the Minister had to induce the House to carry a grant to the extent of 50,000*l.* He thought it was too much for hon. Gentlemen to complain that the Government had not come forward with more comprehensive measures for Ireland, because the Government, after all, was but the organ of the House of Commons. [Mr. Disraeli: Hear!] He understood that cheer. But it was in the power of the House of Commons to make or unmake a Goovernment. If the Government were to blame for not having come forward with large schemes, it must be recollected that no large schemes could be carried out without a large expenditure of money, and they ought to put the saddle on the right horse, and he thought the blame lay at the door of the Imperial House of Commons. The House of Commons ought not to forget that it was in a great measure owing to their legislation, by reducing the price of agricultural produce, that Irish ratepayers were unable to pay a larger amount of taxation. He fully coincided in the sentiments expressed by the hon. Member for Longford with reference to the gratitude of the Irish people for the generous benevolence of the English people towards them. There was no effectual mode of relieving the burden of Irish pauperism, nor preventing its disastrous influence upon England, but by grants from the Imperial Exchequer, and it was only by such assistance that the resources of Ireland could be so effectually developed as to enable her to bear the heavy burden of her own pauperism.

Mr. HORSMAN could not consent to consider this discussion as a discussion on a mere Irish question. The hon. Member for Kerry who moved the Amendment had made a mistake, which was frequently made by Irish Members—which had been made by the Government itself, as appeared from the interview of yesterday—the mistake that this question was not an imperial one, but one in which the feelings and interests of Irish Members were alone concerned. The hon. Gentleman evidently considered the income tax as an alternative to the rate in aid. He could not consider it in that view at all. He thought that the proper way to meet the rate in aid would be, not by moving an Amendment for an income tax, but by a direct negative. It was not the want of a tax from which they suffered, but from the want of a policy. The principle of a rate in aid had been sanctioned by the House, and the question was now reduced to a very small and narrow compass. They were asked to advance this sum upon the security of the rate in aid; and the question was, what was the value of that security? because the value of the security made all the difference between a loan and a gift. The hon. Member for Montrose, who had established his character as the very type of economy in the House, declared that he would not give another sixpence. Then, said the Chancellor of the Exchequer, lend us 100,000*l.* The reply to that was, on what security? and that was the question which the representatives of English taxpayers had now to discuss. On that subject he held evidence in his hand, which had been recently taken before the Committees of each House, and which he was rather surprised had not been referred to by the noble Lord or the Chancellor of the Exchequer. The evidence was of great importance: it was the evidence of the officials employed by the Government itself—of men well acquainted with the subject; and as regarded the validity of the security and the utter absurdity of the pretext that one single sixpence would be repaid, the evidence of those witnesses was clear, consistent, and conclusive. That evidence raised the question as to the policy of the rate in aid, which again raised the whole question of their policy in Ireland. They could not narrow the question to the mere policy of the Ministerial measures, because the right hon. Baronet the Member for Tamworth had compelled them to take a wider and deeper view. The right hon. Member for Tamworth must know that the existence of the rate in aid was incompatible with his plan. The rate in aid once passed would not only be an embarrassment and an impediment, it would be an absolute extinguisher on the plan of the right hon. Gentleman. He could understand the motives which in the first instance had induced the right hon. Baronet to refrain from embarrassing the Government by declaring himself adverse to the rate in aid; but now, with the evidence that had been laid before them, he could not understand how the right hon. Baronet should act the part of an unnatural parent to his own plan, so far as still to support this scheme for a rate in aid. To return to the witnesses. Mr. Griffith is asked by the right hon. Baronet this question:—

"Do I understand you to say that the poor-law valuation throughout Ireland has been estimated upon data varying throughout Ireland, and is an unequal valuation ?—I think that is the fact.

"Is it your opinion that any general rate levied upon Ireland with reference to that poor-law valuation would be an unequal rate ?—I think it would.

"You would reject, therefore, with reference to a general rate throughout Ireland, the basis of that poor-law valuation absolutely ?—I would.

"The poor-law valuation is not applicable ; the tenement valuation has only just begun, and is imperfect ; there remains, therefore, but the townland valuation for a general rate ?—I conceive that the townland valuation, though there are objections to it, which the present examination has brought forth, is still the only uniform valuation that we have to rest upon ; it is the only one which has been conducted on a uniform principle.

"But you admit that, without adjustment and without alteration, the townland valuation is very imperfect ?—The imperfection arises from the deteriorations which have taken place in some local districts more than in others in the last three or four years."

He is then asked by Mr. Monsell—

"It would be unjust to do it without a power of appeal ?—I think so.

"If there were a power of appeal given, would it not take many months ?—The appeals would cause considerable delay."

So far with regard to the question of valuation. With regard to the collection of the rates, Mr. Gulson, another witness, after stating that the old rates were often obliged to be levied with the assistance of the military, is asked this question :—

"With your knowledge of Ireland do you think that those difficulties would be considerably augmented if in addition to the rates to be raised from their own district the people of the north, for example, were called on to pay 5 per cent or 2½ per cent for the benefit of others ?—If I know anything of the people of the north, they would certainly rebel against contributing by any rate in aid towards the poverty in the south."

He afterwards qualified this opinion by stating that he did not think they would positively rebel, but that nothing but force would induce them to pay. But the value of that distinction may be judged of by the fact that in the collection of the present rates it was admitted that sometimes detachments of no less than three regiments of soldiers had been employed. But he is asked this further question as to the practicability of the collection :—

"The proposition is, that there shall be a rate of 5*s*. imposed, and that so much of that rate shall be raised as, in the judgment of the commissioners, that electoral division could afford to pay—will that not operate as a kind of bounty on the non-payment ?—No doubt of it ; I think I may defy you practically to work out the proposition."

Upon the other question, whether there was a probability of the loans being repaid, Captain Huband's evidence was extremely clear. He was asked—

"Did your guardians show an inclination to repay the loans that were made for the purpose of building workhouses ?—I think they would object to the repayment of any money that was lent them for any purpose."

Well, then, they had the three points of want of proper valuation, obstacles to the collection of the rate, and improbability of the repayment of the loan, settled by the three first witnesses. Next came Mr. Senior, and, from his evidence, it appeared that the case became more hopeless at every step. First, he confirms Mr. Gulson, as to the difficulty of collection. He was asked—

"What do you think the effect would be of raising a rate within the district, not for the benefit of that district itself, but as a rate in aid of a national kind, to be applied for the relief, we will say, of Connaught and Munster ?—My belief is that it would at once lead to a passive resistance to the collection of the rate in some districts ; that passive resistance might or might not lead to active resistance."

He then shows, not only that the new rate cannot be collected, but that the old one will be endangered.

"Do you conceive that it would be a passive or active resistance merely with regard to the new rate, or that that active or passive resistance, as applicable to the new rate, might endanger the collection of the previous rate, the collection of which you have stated to be easy and satisfactory ?—It would in practice be impossible to disentangle the one from the other, for they must be collected together.

"Would the consequence of this dissatisfaction be augmented if the additional or national rate was not only a rate leviable upon the whole of Ireland, but was, by reason of the insolvency of certain districts, to be a rate exclusively leviable upon the districts remaining solvent ?—That would further add to the difficulty of collecting such a rate."

He, then says, speaking of the injustice of the rate—

"I can hardly conceive any evil greater than the rating of the whole of Ireland, for the deficiencies arising in a particular part, which may be very distant from the districts so rated."

But, it is said, that the rate is to be limited. What comfort does Mr. Senior draw from that ? He says—

"Assuming the principle to be adopted, that one part of the country is liable for the deficiencies of another, the parties who had to pay the rate would feel no security that it would not be in the wisdom of Parliament to pass the limit."

He was of opinion that the amount would exceed 6*d*. in the pound, and he said he should prefer a larger definite liability to a system of taxation involving a new principle, and capable of indefinite extension. Next, with regard to the administration of the law, Mr. Senior thought there would be the greatest difficulty in inducing the guardians to strike the rate. He believed they would prefer the alternative of resigning. And no witness gave them any greater hopes. Capt. Kennedy said—

> "However useful a rate in aid might be under proper safeguard, it would be useless and wholly inadequate as here proposed—the progressive effect of this measure would be a diminution of self-reliance, and a rapidly increasing balance to be paid out of some fund or other—or else starvation would ensue."

"Some fund!"—What fund? Can we doubt that it must be the Imperial Exchequer; and what becomes then of the security for this loan? And as to the limit, Captain Kennedy adds—

> "I am afraid to put a limit to what I believe the rate in aid necessarily would be, if it is adapted to meet the contingencies that will occur."

Mr. Gulson, on his re-examination, pronounces the maximum as "practically an absurdity and an impossibility." And Captain Kennedy winds up by a truth which reflects a censure on his employers. He says—

> "I do believe that if the potato failure had been treated as it might have been treated, it would have been looked on by this country as one of the greatest blessings that ever occurred."

All the evidence, too, it should be observed, was upon one side. It was that of witnesses who were the very men whom the Government should have consulted before bringing in any measure upon the subject of the poor. So that the inference was, either that they had introduced this measure rashly and ignorantly, without consulting the persons whom they ought; or, if they had consulted them, they had disregarded their opinions. Step by step those witnesses confirm, establish, strengthen one another in the bold, unhesitating, and universal condemnation of the Government measure. Their conclusions establish these facts. That the present collection of poor rates is very difficult, and only accomplished with the aid of soldiers: That the new rate must, in their opinion, be unequally and unjustly levied—that it will be regarded as oppressive, and violently resisted: That not only will the levy of this new rate be impossible, but the old rate will be also lost: That your limit as to time and amount are both deceptive—that your proposed maximum is an absurdity: That the boards of guardians will in all probability resign: That the loan will never be repaid: That the boards of guardians and poor-law inspectors having all pronounced this rate unwise, unjust, and oppressive; the resistance, passive at first, may become active subsequently—conflicts with the military may ensue—bloodshed must follow with all its consequences, and the rate not levied after all: That the deficiency increased by these means must ultimately be supplied, and the pauperism relieved by grants from the imperial exchequer, paid by taxpayers of England. Such was the unanimous testimony of as competent and credible a body of witnesses as could be brought together on the subject; and in the face of all these facts, in despite of this evidence, they were told that it was the determination of the Government to persevere. He thought that the incurring of such fearful risks, for such small results, would place the Government in a position which they themselves could not undertake without feeling considerable apprehension. Then, again, the Act could not be put in operation for a considerable time. He believed the rate would not be levied at all. Indeed it was believed that it was not intended to levy it; and he thought this was one of the worst features of this proposal—that it was not only based on false principles, but almost looked as if it were advanced by false pretences. He had opposed the rate in aid, not only as a bad measure in itself, but as standing in the way of anything better. He believed every one must admit that the time was come when they should feel ashamed of these makeshifts for Ireland. It was time they should have a policy; and his object was to compel a policy, and more especially when at this most critical moment the right hon. Gentleman the Member for Tamworth had come forward with a plan and an effort to rescue them from their degraded condition, he (Mr. Horsman) was prepared to give the right hon. Gentleman all the aid in his power, and which he so well deserved. In his (Mr. Horsman's) view, the right hon. Gentleman had done a great deal of good by the speech he had delivered. But there was a great deal more which he had yet to do. He had, as regarded Ireland, established the magnitude of the calamity; as regarded England, he had shown the vastness of the opportunity; and as regarded Parliament, he had proved the greatness of the responsibility. All this he had done with a force and a reality from which they had no escape. Struck down as Ireland was by the infliction of a calamity unparalleled in modern times, it was from the extent of the calamity that he had told them to draw hope—for it had thrown down obstacles which no human power could have surmounted, and opened out avenues of improvement which no statesman had hitherto dared to dream of. Had the right hon. Baronet done no more than this—had he merely compelled them to an acknowledgment of the opportunity and the duty, he would have done much. But he had gone yet further; and in a speech which betokened a deeper study of the wants and miseries of Ireland, and a more correct perception of English as conjoined with Irish interests, certainly, than he (Mr. Horsman) had ever before heard delivered in that House, he had unfolded a view so large, hopeful, and statesmanlike, that the time of Parliament could no longer be wasted upon the consideration of mere makeshifts or expedients; but for the future their consideration of Irish wants and remedies must embrace topics as large and as extensive as had been touched upon by the right hon. Gentleman. [Mr. J. STUART: Hear, hear!] He should venture to say to the hon. and learned Member for Newark, that he discussed the speech of the right hon. Baronet with reference to the plan, and not at all with reference to the individual. The right hon. Gentleman's plan—and he called it a plan, because, unless the right hon. Gentleman were prepared to embody his suggestions in the shape of a plan, he believed that one so experienced as the right hon. Baronet could scarcely have felt himself justified in taking that opportunity of throwing them before the country—that plan had for its main object the regeneration of Ireland by an extensive change in the proprietorship of the land. That change of proprietorship seemed to him (Mr. Horsman) to be the leading idea. Now, no one could deny that the right hon. Gentleman had there hit the real blot in Ireland, and if by achieving his object, he could substitute a solvent for an insolvent proprietary, with all the natural results of that change in the full employment of the people, the skilful cultivation of the land, and the full development of the internal resources of the country; undoubtedly they might yet see Ireland an atmosphere of industry and peace and progress, instead of the picture it now presented of ruin and despair. He had listened to the right hon. Gentleman's suggestions with the more interest, because it appeared to him that he did not aim solely at a change of proprietors, but that he aimed also at introducing proprietors of a new class. He spoke of the classes of small proprietors; and he (Mr. Horsman) thought there was no class of more importance to the country. That they were particularly desirable, was plain from what had been observed in other countries; and that it would be extremely practicable to introduce them into Ireland, would be easily shown. He understood the right hon. Baronet to be particularly anxious to induce customers to come forward and bid for the land; and to give such inducement there were three requisites necessary. The purchaser should be made safe upon three points: cheapness and simplicity of title; limited liability for poor-rates; and, thirdly, he must have capital. Now, every one of these requisites depended upon the other; and there was an evidence of design in the plan, which gave, he thought, some probability of its having been well digested beforehand. But that there were immense difficulties in its way, could not be doubted. They would not, he thought, be found insuperable, if met in a fair and patriotic spirit. The first part of the proposal was, that a commission should be substituted for the agency of the Court of Chancery; and the more that part of the proposal was considered, the more it would be approved. The difficulties of the Court of Chancery had been predicted as likely to be fatal to the Bill which was passed last Session, and therefore it would be well to find some substitute. He believed at that time, and still believed, that a commission after the model of the commission which distributed the West Indian compensation, and discharged its functions so satisfactorily, would have been a far safer and more efficient tribunal. One of the worst matters connected with the tenure of land in Ireland was the worthlessness of the majority of the titles. It was in evidence before the Committee— ["Oh, oh!" *and* "No, no!"] He repeated, he spoke from the evidence given before the Committee of that House. One of the principal witnesses said, that very few titles had come before him in which there were not some flaws. ["Hear, hear!" *and* "No, no!"] All he could say to those Gentlemen who cried "Oh," and "No," was, had they read the evidence? But there was no doubt of the fact that many parties who held mortgages on estates in Ireland, would have long since compelled owners to sell if they were sure they had good titles. At all events they had difficulties to contend with which only such a commission as that proposed by the right hon. Baronet could arrange. As to the powers to be invested in the commissioners, and other matters of detail, they should wait for further explanation on such points. The great objects were to force the encumbered estates into the market, to obtain prompt sales of land, and to provide for the payment of all sorts of arrears. Now, the most insuperable difficulty which he (Mr. Horsman) saw in the plan, was the proposition to sell the land through the intermediation of the Government. It was notorious that the hint thrown out by the right hon. Gentleman as to the propriety of Government buying up the encumbered estates in Connemara, had led many needy proprietors to lay hold upon the hope, and where contracts for the sales of estates had been actually commenced, they had been broken off in the expectation of an increased price being obtained from the Government. That objection was an extremely obvious one, too obvious to have escaped the right hon. Gentleman, though he himself did not see how it could be got over. But as to the substitution of a commission for the Court of Chancery, he thought it an excellent plan. He now came to the next desideratum for a purchaser-limited liability for poor-rates. It was manifest that without this no one would be got to buy. It was not necssary to quote evidence to prove it: common sense and every day's experience showed it; the same fear which was driving one set of cultivators out, would deter another from coming in. It was needless to repeat, that limited liability could not exist with a rate in aid—then how was it to be accomplished? This involved the whole question of the amendment of the poor-law, to which all eyes were turned when Parliament met. Towards the solution of that important question, they had made no progress. The trouble and responsibility of it were coolly thrown on a Committee, while the statesmanship of the Cabinet was limited to a grant of money. But it could not be denied that it was the poor-law which had aggravated the misery and completed the ruin of those districts: without the poor-law there would not have been more misery in Ireland, nor less generosity in England; but they would not have had capitalists driven out of the country, and rich lands lying waste. Thus, then, the amendment of the poor-law, and the establishment of limited liability, were the most important questions with which they had to deal. All had their opinions upon them: it was impossible to read that evidence without having an opinion; the Government, indeed, had indicated one, that diminishing the area of taxation would increase evictions. That opinion, however, was not only combated by the witnesses, but contradicted by the fact that where the unions were largest, the evictions had been most common. As, however, the Government were to introduce a Bill on this subject immediately, he would not then anticipate the discussion. Then he came to the last desideratum, which was, capital. Now he saw no reason to doubt that if capital could, by the introduction of such changes as were proposed, be safely invested in Ireland, it would flow in; for there was an accumulation of wealth and spirit of enterprise in this country which dared every storm and braved every clime to seek employment; and Ireland, with its rich and virgin soil, vicinity to English markets, and advantages of British connexion, presented attractions to settlers which no colony held out. But these would take time; and employment and capital they wanted immediately. Then he reverted to what he said before—create and multiply to the utmost small proprietors. They were the class of men of all others most needed in Ireland, because their condition was favourable to the calling forth of those very qualities which were most rare in Ireland. They were celebrated throughout Europe for their industry and frugality—for early self-reliance and independence of character—and, moreover, their habits of forethought and self-control, early acquired, rendered them the class among whom the increase of population is proverbially slow. As to the encouragement of small proprietors, Mr. Mill, Mr. Sismondi, and Mr. Laing, had described the advantages attendant upon their establishment in Switzerland, in Norway, in Flanders, and in Belgium; and even in France, before the revolution, Arthur Young was compelled to acknowledge how beneficial was their presence. He said—

> "Give a man the absolute possession of a desert, and he will make it a garden. Give him a nine years' tenure of a garden, and he will leave it a desert."

And he added—

> "It is the magic of property which converts sand into gold."

Now it was obvious that this class of men would be particularly valuable in Ireland —they were of a class whose affectionate interest in the land was proverbial, and the more they spread, the more the system of cottier, and conacre, and middleman, must disappear. The question came, how were they to be encouraged? He answered, encourage them as they now encouraged large proprietors to improve — by loans from Government; and it might be done simply and safely by extending the principle on which their loan societies now existed in Ireland. Be it observed, they had now loans of two classes to individuals going on in Ireland, under the authority of Acts of Parliament; loans to large proprietors for the improvement of their estates; and to small tradesmen, through loan societies, to enable them to carry on their business. He proposed a third class of loans of a safer and more wholesome character. It was notorious that the possession of land was a passion among the Irish —equally notorious that among the farmer class there was more capital than was generally acknowledged or believed. Now many of these men would gladly exchange the character of tenant for that of proprietor, if they could do it safely. And when they had not means sufficient to pay the whole purchase-money of the estate, he would assist them by advancing a portion on the security of the estate; and by placing strict limitations on the power or subletting or subdividing, they would establish a most useful class of agriculturists — particularly interested in keeping down pauperism, and preserving peace; and with good security for the repayment of the money, they would also have security against that from which they were now suffering so grievously—the flight of small capitalists to America, and the desertion of the land. In order to form a judgment of how advantageously loans to poor people, even on bad security, could be advanced, and how largely they were availed of in Ireland, it was only necessary to refer to a return of the operations of these loan societies. The loan societies in Ireland had advanced 1,870,000*l*. in small sums to tradespeople, on personal security, in the course of one year, 1845; and the profits upon the advances amounted, from the date of their establishment in that year, to 100,000*l*. Now this security, or the security of the rate in aid, was not so good as that on which he proposed loans to small proprietors; and that was a more wholesome system of loan, for it was their interest to contract their large loans, and extend their small ones; for lending to large proprietors, and propping them in their distress, was a vicious proceeding, and inconsistent with the plan of forcing incumbered estates into the market; whereas lending to small proprietors was an incentive to industry and improvement. He hoped, when the plan of the right hon. Gentleman would be more developed, that the creation or encouragement of small proprietors would form a prominent feature in it. The noble Lord at the head of the Government, when objecting to any assistance being given to emigration, had dilated upon the advantages of the voluntary emigration at present going on. Considering the character of that emigration, he doubted if the noble Lord was right, but he was sure that he was wrong in saying there was no way in which the Government could give assistance except by paying the passage of the emigrants. There were, on the contrary, many ways; and he would state one instance in which an Irish proprietor had assisted no less than 3,000 poor people to emigrate. Within the last few weeks that proprietor had contracted to send out forty-six additional families; and he had been obliged to refuse 164 others, his resources being exhausted. Now, the contract under which those poor people had been sent out to Canada was, that they were to be found in labour for sixteen weeks after their arrival upon a Government railway. But the Government could still more easily give employment to the emigrants upon their arrival in a colony; for it was evident they had advantages for doing so more cheaply than any individual could. They could assist them with money to pay their passage to Australia, taking their bonds for repayment within a certain time after their arrival. And there was a third mode suggested by Mr. Senior, which was, the Government should in certain cases have a power to emigrate a number of poor people from an estate, and compel the repayment and the expense from the estate, in the same manner as a poor-rate. He would no longer detain the House by going into a consideration of other remedies and means of employment which had been proposed. In conclusion, he should say that the question was, whether or not they should establish a permanent policy in Ireland. They had before them two suggestions—two plans: the one put forward by the noble Lord at the head of the Government; the other, by the right hon. Baronet the Member for Tamworth. The one treated the matter as a merely Irish question; the other, as an Imperial one. His (Mr. Horsman's) belief was, the Legislature was answerable for all the evils of Ireland. He believed they themselves (the Imperial Parliament) were highly culpable as regarded Ireland. The present calamities had not come upon them unawares. In 1837, a Committee of that House reported that one-third of the whole population of Ireland was habitually receiving alms at certain portions of the year. The blue book which contained that appalling fact was thrown upon their table, and remained unnoticed. But there was another fact hardly less dreadful, of which they had been equally cognisant and careless. In those four counties of Ireland where the distress was greatest, the average duration of man's life for the ten years preceding the famine was only twenty-five. Let them consider these two facts: in one of the most fertile countries in the world, united to the wealthiest of commercial empires, one-third of the population habitually paupers; and in one of the healthiest islands of Europe, the life of man dropping at twenty-six; and what excuse could they make to their consciences for being blind or indifferent to such facts, or, knowing them now, and in the crisis in which they stood, what apology could they set up for consenting still to torture Ireland in a childish and cruel spirit? It was not safe for them to do so: the interests of England, the character of Parliament, were involved deeply in the question. They had now to say, whether in a just and generous spirit they would endeavour to work out a nobler destiny for Ireland: would they, by infusing new elements of life and prosperity into her system, double the resources while adding to the security of the empire? Let them discuss the question in a spirit worthy of the occasion. The right hon. Baronet the Member for Tamworth, by raising the discussion on this question, had taken higher ground than had been occupied before; he had put them upon their trial both before the country and the world. If they could not, after the utter prostration both of purpose and principle which had been displayed during the two last Sessions, rise at once to the dignity of great principles, let them at least show that they were emancipated from the thraldom of small devices, and ashamed of the degradation of mean and mischievous makeshifts.

Major BLACKALL said, that the real qnestion before the Committee was, whether the sums necessary for the relief of Irish distress should be raised by a rate in aid, or by a tax upon the whole of the property of Ireland? The proposition of his hon. Friend the Member for Kerry was, he conceived, that any rate in aid to be raised for the relief of extraordinary distress existing in Ireland, should be levied upon all descriptions of property in Ireland. To the principle of the taxation of Ireland for the purpose of relieving Irish distress he was perfectly ready to submit. He could not shut his eyes either to the great distress which existed in Ireland, or to the extraordinary exertions which had been made in this country in order to relieve Irish distress. He could not, therefore, feel justified in refusing his assent to a proposition authorising relief of Irish distress from a tax upon Irish property. He considered it most unjust to tax landed property exclusively for the support of the pauperism of the country. His reasons for arriving at that conclusion were, that during the last year there had been collected, from Irish landed property alone for the relief of Irish distress, upwards of 1,700,000*l.* There had also been collected from the same source for local purposes under the Grand Jury Act, and for the repayment of loans advanced by this country, no less a sum than 1,300,000*l.*, making together 3,000,000*l.* levied from landed property alone, the annual value of which was considered to be only about 13,000,000*l.* Nearly one-fourth, or about 5*s.* in the pound, had, therefore, been taken from the landed property of Ireland for the purpose of relieving Irish distress and other local purposes. If Ireland were to be called upon to contribute a fund for the relief of the distress of the country, the Government ought to call upon property which had not yet contributed anything for that purpose. As he had already said, the landed property was valued at 13,000,000*l.*, and other descriptions might be taken at 5,000,000*l.* A rate, therefore, of 6*d.* in the pound upon this 18,000,000*l.* would amount to 450,000*l.* The proposal of the hon. Member for Kerry had been called an attempt to shift the burden from the landed proprietors to the tradesmen. This was a most unfair view of the case; because, in the first instance, the rate would be divided between the landlord and the tenant; and, next, the landlord would deduct a proportion from those to whom the greater part of his revenues had to be paid. He had not the slightest hesitation in saying that he wished to see the burden shifted from the tenant farmer to the landlord in the first instance, and he wished also to see the landlord able to transfer the burden to those who ought to bear it. Therefore, upon every point of policy and justice, the proposition of the hon. Member for Kerry was better than that proposed by Her Majesty's Ministers. As an Irish Member he should be ashamed of himself if, in this dilemma, he came forward and said that he would oppose the rate in aid, unless he were prepared to propose some substitute. He did not wish to throw upon this country the burden of supporting Irish poverty. He felt himself now at perfect liberty to vote for the grant of 100,000*l.* as a loan, because he felt confident, if the proposition of the hon. Member for Kerry were acceded to, the repayment of that sum would be secured.

The CHANCELLOR OF THE EXCHEQUER said, that he had listened to the speeches of the hon. and gallant Member who had just sat down, and of the hon. Member for Kerry, with great satisfaction and attention. Upon the present occasion they had had a clear and distinct proposition made by Irish Members, in a spirit which could not fail to call forth the respect and admiration of the House. He did not for a moment doubt the sincerity of the hon. Member who had brought forward the Amendment, although it did not appear, from the speeches made by other Irish Members, that many of them concurred in the view he had taken. Of those Irish Members who had spoken, two had supported the proposition, two had spoken against it, and two had taken views of the subject, neither condemning the proposition of the Government, nor that of the hon. Gentleman, but opposing altogether the imposition of any additional taxation upon Ireland in her present distressed state. An hon. Member had deprecated the use of any expressions which could give pain to Irish Members. He (the Chancellor of the Exchequer) was not conscious of ever having uttered a word in the shape of reproach to them. It had been his painful duty now, for nearly three years, to hear and read every day accounts of the distress which existed in various parts of Ireland, and these accounts had filled him with far too deep a sympathy for the sufferings which prevailed so extensively in that country, to allow himself to be diverted from what he believed to be his duty, or led into the expression of any angry or unmerited expression of opinion on the conduct of those hon. Members representing those portions of Ireland where distress had so largely prevailed. He knew well enough how much many of the Irish people were disposed, rightly or wrongly, to attribute the whole of their sufferings to the conduct of the Government. He could well bear these reproaches and these attacks, which under existing circumstances it was perhaps but too natural for them to make. His anxiety was to avoid everything which could in the least degree excite anything like angry feelings during this debate; and he should be extremely sorry if any hon. Member supposed that Her Majesty's Government could be either tempted or driven from what they believed to be their duty by anything of that description. No doubt the conduct of Irish Members had added greatly to the difficulty of dealing with questions affecting the relief of Irish distress. He did not say this in the least as a reproach, but with the view of showing that those difficulties, great in themselves, had been aggravated by the course adopted by many of the hon. Members connected with Ireland. In treating of the present state of affairs in that country, and the great revolution going on in the social condition of the whole of the western districts, several hon. Gentlemen, who had taken a prominent part in the debates, had reduced the dimensions of that question to a mere discussion upon the details of the poor-law. They had not taken into their consideration that the failure of the food of the country for three years had rendered destitution so prevalent there. They had assumed that it was entirely owing to the operation of the poor-law; and the hon. Member for Cockermouth (Mr. Horsman) had stated, even to-night, that the existing distress was owing to the maladministration of the poor-law, and the bad legislation of that House. Could any one who knew the state to which that country had been reduced—that thousands had perished for want of food—who knew the quantity of holdings which were thrown up, and the distress and ruin which had fallen upon many proprietors there from the non-receipt of rent, owing to the failure of the potato cultivation—could any one who knew all these things, entertain for a moment the opinion that these calamitous results were to be attributed to the large area of taxation which had been so frequently pointed out by Irish Members, and not to the dispensations of Providence, which had for the last three or four years afflicted that unhappy country? His belief was, that these evils were not caused by the operation of the poor-law. That law might have aggravated the pressure upon property; but no person could say that life had not been spared and relief afforded by the poor-law in that country to a very great extent. When this was the view taken by Irish Members—when they were even told by them that the assistance given by this country tended to aggravate the distress, and was of no benefit to the starving thousands whom it saved from the last miseries of starvation—could they be much surprised that English Members, upon their authority, should not feel disposed to look at the question in a different light to themselves? He could not agree in opinion with the hon. Member for Roscommon (Mr. F. French), who stated that it was a breach of faith on the part of that House, that the sum raised under the poor-law last year had amounted to 1,600,000*l.*, while it was stated in the debates on the passing of the Bill that 340,000*l.* only would be the probable amount required. He could not see how any person, unless by a complete perversion of words, could construe that into a breach of faith on the part of that House. When he saw an additional sum of 1,300,000*l.* imposed upon Ireland above that which was supposed to be the ordinary amount of poor-rate levied in that country to support its poor, it constituted, in his opinion, a fair claim to the consideration of the House to give such assistance as might fairly be given to the country, in order to meet the difficulties which had been of so unparalleled a nature. What he wished hon. Members to bear in mind was, that the question of pressing relief was very different from that of a permanent improvement in the poor-law. When the House met, it was found indispensably necessary to provide some aid to the distressed unions of Ireland. A proposition to vote a sum of money for that purpose was met with opposition from several of the English Members, who objected to voting any sums of money for the relief of Irish distress, while distress existed in this country. The hon. Member for Montrose had said, that in the parish in England in which he lived he had paid 16*s.* in the pound for poor-rates, and it was hardly fair to call upon the English people under such circumstances to contribute for the relief of Irish distress. The hon. Member for Northamptonshire (Mr. A. Stafford) had been foremost in the opposition. The noble Lord the Member for Down said, that it was only reasonable that from Ireland should be derived the means of supporting the pauperism of Ireland, and the hon. Member for Meath (Mr. Grattan) had disclaimed their "dirty money." The hon. and learned Member for the University of Dublin had made a strong protest against any further burden being imposed upon Ireland, and had therefore declared his intention of voting for the resolution moved by the hon. Gentleman the Member for Northamptonshire. Much stress had also been laid upon the duty of self-reliance on the part of the people of Ireland; but when he looked at what had taken place in the single union of Kilrush, where thirteen thousand poor people had been driven from their homes, and their houses pulled down, it was little less than mockery to talk of self-reliance. Without going into the painful details of distress in that union, it appeared that in that locality alone thirteen thousand people had been rendered homeless. The majority of that House, he believed, were of opinion that further contributions must be made for the relief of Irish distress; the only question was, how those further contributions could be most fairly and lightly levied upon Ireland. The hon. Member for Cockermouth had referred to the evidence of Mr. Twisleton and others; but it should be remembered that the view taken by those gentlemen was not the view entertained by the House of Commons. Mr. Twisleton was of opinion, that all should be done by a grant from the imperial treasury; and such was the opinion of other Government officials. He (the Chancellor of the Exchequer) admitted that the arguments against the rate in aid were very strong. [*Cheers.*] Had he ever denied the fact? He admitted it, and felt no shame in doing so. He admitted that the arguments against the rate in aid were very strong, but so were they against the income tax. [*Cheers.*] He did not know what hon. Gentlemen would get by that cheer. They were of opinion that it was from Irish resources, in some shape or other, that future contributions should come. The hon. Members for Kerry, Londonderry, and Longford, had admitted that Ireland should contribute for the maintenance of the poverty of that country. The Government were charged with not having deferred to the opinions of Gentlemen connected with Ireland with respect to this subject; and the hon. Member for Kerry had quoted the most recent case of a rate in aid having been levied in this country. The hon. Gentleman stated that, with one exception, only one rate in aid had been levied within the last ten years, and that upon small localities. But he (the Chancellor of the Exchequer) suspected, that if the poverty of any part of this country had rendered a grant necessary, the principle of the rate in aid might have been extended beyond the two parishes in Worcestershire which had been referred to. He denied, however, that any Member of the Government had admitted that what had been done in England should be taken as a precedent for legislation in Ireland. Some years ago, a proposal for a rate in aid, similar in principle, but not in extent, to the present proposition, had been carried out in Scotland. By an Act of Parliament, the 23rd of George III., chap. 53, several of the northern counties of Scotland had a rate in aid imposed upon them for the relief of distressed portions of those countries. It should not be forgotten either that this notion of a rate in aid had been suggested in Ireland long before it had been broached in that House. Most of those also who advocated a diminution in the area of taxation, admitted that that reduction might lead to a rate in aid. Where there was a large congregation of paupers in these confined areas, as in the case of the Kilrush union, additional relief was of course required. The question remained, from what source was the money to be taken? It should not come, he thought, from the national treasury, or be made up by an income tax; and if neither of these methods was adopted, he thought a rate in aid was the alternative. A body of delegates from different boards in Ireland had met some time ago in Dublin, to consider what amendments they should suggest in the Irish poor-law. As the result of their deliberations, they sent circulars to the different unions in Ireland, containing their suggestions. Those suggestions went to effect the individualising of responsibility, and the reduction of the taxation area, so as to make it, as far as possible, coterminous with property. The delegates further recommended the imposition of a union rate, and that each rateable district should be charged with its own poverty. The next recommendation of the assembled delegates in Dublin, was, in point of fact, the same as the proposal of the Government. The difference between the proposition of Her Majesty's Government and that of an hon. Gentleman opposite was, that the former would apply the money to be raised to the maintenance of life and the alleviation of destitution, whilst the latter would apply it to the purposes of destitution. It had been said that the only ground put forward for this proposal was the necessity of the case. That, he thought, was a pretty strong argument for anything. He believed that Ireland had a strong claim upon this country, and that if the former showed a desire to contribute to the relief of her own distresses, England would not withhold that further assistance to which she would then be fairly entitled, and which her distresses might imperatively demand. Hon. Gentlemen opposite seemed inclined to attack the Government for having endeavoured to elicit the opinion of Irish Members upon this subject. They designated the course pursued as an unprecedented one; but it should not be forgotten that the circumstances in which Ireland was now placed were unprecedented. Considering the present situation of Ireland, he thought it only reasonable and fair that the Government should endeavour to ascertain what were the opinions of Irishmen upon this subject. He was willing to bear the imputation of having taken this course, for he thought that, under the circumstances, the utmost deference should be paid to the suggestions of Irish Members, and that the Government should give as much consideration to those suggestions as was consistent with the discharge of their duty. His noble Friend had stated to the deputation of Irish Members, that if the rate in aid were not adopted, it might be necessary to extend some other taxes to Ireland not now borne by her. He (the Chancellor of the Exchequer) admitted that the proposal of a substitute for the rate in aid did not now meet with that favour from Irish Members which was apparent at an earlier period of the Session; and at the meetings held in Ulster lately, he could discover no other feeling than hostility to all taxation. He did hope that the line to be pursued by the Irish Members would not be to repudiate altogether their admitted liability; and then he believed that if any further assistance from England were required by Ireland, the English people would not be disposed in any way whatever to withhold it. He had himself proposed, in that House, large grants and loans for the benefit of Ireland; and without then entering into the question whether they had always been applied in the very best manner, all he would say was, that the view which he had taken from the first was that it was for the interest and benefit of this country itself that Ireland should be aided through her difficulties; but he was sure that the disposition shown by the Irish Members to repudiate all contribution whatever, was not the way to induce the other parts of the kingdom to make any further efforts in behalf of Ireland. At an earlier period of the evening he might have alluded to other points raised by the speech of the hon. Member for Cockermouth; but other opportunities would offer themselves for his doing so, and he did not think the present occasion very opportune for the purpose; therefore he had confined himself, in the observations he had addressed to the House, to simply stating the grounds of the rate in aid, proposed by the Government, to be raised in Ireland for the relief of Irish distress; and whilst he admitted that the view taken by some of the Irish Members for raising the necessary taxation was not objectionable in principle, yet, gathering from the progress of the debate, that the Amendment proposed would not gain any general support, but rather that many wished that Ireland should escape from any contribution at all, he saw no objection to the plan for raising the required amount from a rate in aid in Ireland, as the cheapest and easiest mode of affording the necessary relief; and he therefore hoped that the House would agree to the vote which his noble Friend had placed in the Chairman's hands.

Mr. DISRAELI: Sir, if the Chancellor of the Exchequer felt it necessary to apologise to the Committee for rising to address them at this late hour, I feel much more under that necessity; but as the right hon. Gentleman has been pleased to indulge in certain allusions, which appear to justify some observations on my part, I trust the Committee will pardon me if I venture to trespass briefly on their attention. The first part of the speech of the right hon. Gentleman was founded altogether on the assumption that hon. Members on this side of the House were unequivocally opposed to any grant from the public funds by way of extraneous aid to Ireland under its present unhappy circumstances; but now that he has had the advantage of some moments' reflection, it is scarcely necessary that I should remind him that he was not at all warranted in making any such assertion. No hon. Gentleman on this side of the House has ever during the present Session opposed the proposition of making a grant from the public resources for Ireland. All we have done is to insist that grants for purposes of temporary assistance should be accompanied by measures of a permanent character, which might have the salutary effect of preventing the repetition at future periods of appeals to the Legislature. That was the ground of the opposition we offered to the first measure of the Government at the commencement of the Session: to the vote of 50,000*l.*—an opposition to which the right hon. Gentleman the Chancellor of the Exchequer has made a special reference this evening, in the hope, as it appeared to me, of demonstrating that there has been some shadow of inconsistency in the conduct of my hon. Friend the Member for Northamptonshire, of whom I hesitate not to say that, with a perseverance most laudable, a consistency for which he is eminently distinguished, and a sagacity which subsequent events have fully vindicated—he has on all proper occasions, and at earlier periods than many other hon. Members who now affect to take a great interest in this matter, taken every available opportunity to enforce his views with respect to Irish pauperism on the serious attention of this House. The right hon. Gentleman the Chancellor of the Exchequer taunts my hon. Friend, as though, in offering opposition to the present proposition, he were acting with remarkable inconsistency, forgetful that at the commencement of the Session he was himself guilty of the grossest inconsistency, and pursued a course well calculated to provoke the hostility of hon. Members at this side of the House. The right hon. Gentleman, with an air of triumphant elation, read the third resolution, proposed by way of amendment during the first discussion, declaratory that such grants were "vicious in principle, unjust in practice, and impolitic with respect to the suffering districts themselves, as tending to destroy all spirit of self-reliance." The right hon. Gentleman read these words in a tone of cordial self-gratulation, and on closing the book was greeted with a single cheer from one solitary political economist. But he omitted to read the concluding resolution of my hon. Friend the Member for Northamptonshire, that "it was the duty of the Government to introduce without delay measures which would obviate the necessity of applying to Parliament to grant money for the relief of Irish distress." Now, that is the case of my hon. Friend, and our case as well. We do not oppose this grant as a measure of temporary relief, except on the ground that while we are ready to meet the exigencies of the present urgent emergency, we at the same time call on the Government to construct a policy which will effectually prevent the recurrence of the emergency. The Chancellor of the Exchequer deprecated any discussion as to the Irish poor-law on the present occasion; and no sooner had he done so than he forthwith proceeded to enter at considerable length into a discussion as to the propriety of reducing the area of taxation. I will not follow his example. We are to have an opportunity hereafter of minutely canvassing the whole question of the Irish poor-law; and I therefore think it better to steer clear of the question on the present occasion. But I may be permitted in passing to observe that the Chancellor of the Exchequer was not happy in the proofs he adduced, when he referred to the evictions which had taken place in the union of Kilrush. He assured the House that if they knew Ireland as well as he did, they would not oppose such votes as the present, inasmuch as it had come to his cognisance that in the union of Kilrush no less than 16,000 persons had been recently evicted. [The CHANCELLOR of the EXCHEQUER: Thirteen thousand.] Well, thirteen thousand. But the areas of taxation in the union of Kilrush are the largest in Ireland, and his details, therefore, only prove the injurious tendency of the system. Then the right hon. Gentleman went on to scrape up from all imaginable quarters, with a research which we greatly admired, evidence in favour of the principle of a rate in aid. He referred with confidence to the 23rd Geo. III., and relied on it as establishing a precedent which would be sure to carry the Government triumphantly through the difficulties of the present case. That Act applied to Scotland. A rate in aid for a country where there was no poor-law! The object of that enactment was to enable the Commissioners of Supply to raise a certain sum of money for the relief of poor people in certain counties who were in danger of dying from starvation. Such a law might furnish a precedent for a poor-law—which by the way it did not—but I am sure the House will concur with me in thinking that, when the right hon. Gentleman undertook to prove that it furnished a precedent for a rate in aid, he squandered, in a most unprofitable manner, time which was stolen from the painful labours of the Exchequer, and which —in the condition of the revenue at the present moment—might have been devoted to a more profitable purpose. But if the precedents in England and Scotland were not of a very felicitous character, what shall we say of the more remakable instance from Dublin — from that mysterious association, that secret society, the name whereof is unknown to every one, and the purpose of whose assembling was never heard of until this evening? A meeting of delegates from the various boards of guardians throughout the country! It is rather a remarkable circumstance that, though I have the honour of sitting in the immediate vicinity of several hon. Members who are connected with those boards, I find, upon inquiry, that this is the very first time they have ever heard of the patriotic efforts of their brethren at the other side of the water. I am going to vote myself in favour of the Amendment of my hon. Friend the Member for the county of Kerry, because I feel called on to decide between the Motion he has proposed, and the rate in aid which has been proposed by the Government—that rate, on the credit of which we are now called on to assent to a grant of 100,000*l*. I will vote for the resolution of the hon. Member mainly, although not entirely, for a reason stated by more than one Member in the course of this debate, and most recently by the hon. and gallant Gentleman the Member for the county of Longford. In the difficult position in which we are placed, I feel that an income tax will not press on the small farmers, and that a rate in aid will do so. This is a consideration which ought, perhaps, to weigh with all Members; but I feel that it ought, at all events, to have a paramount influence with us who deplore the adoption by this House of that fatal policy of which the small farmers are now the victims. There are other reasons why I prefer an income tax. The hon. Member for Kilkenny noticed some remarks of mine on this head the other evening, and I adhere to the opinions I then expressed. I do think that it would be well that that portion of the proceeds of the general property and income tax paid into the imperial exchequer, which is levied from Irish resources, should be peculiarly and exclusively applied to Irish purposes. I do not mean to say that fiscally there would be any gain to the empire by such an arrangement; but I do think that if Ireland were to obtain by means of it only that amount of extraneous aid which, under any circumstances, she would be likely to procure, she would obtain it in a manner more gracious to her feelings, and more agreeable to her just pride. If such an arrangement be practicable, I think it would be well that we should support it. I am also in favour of an income tax rather than a rate in aid, for this reason, that an income tax will be imposed on all species of property; and although its exercise, at the present moment, may not be considerable in amount, it is our policy and duty, upon all legitimate occasions, to protest against that system which has so long prevailed, of oppressing the land with peculiar taxation. There is another reason, also, why I am opposed to the system of the Government, and cannot accede to the proposition of this evening, based as it is on a security in which I have no confidence. I have no confidence in the power of the Government to raise a rate in aid in Ireland, for this reason, above all others, that it is evident to me, and I am sure must be manifest to this House and the country, that the Government have no confidence in it themselves. The history of this Bill has been sketched by the hon. Member for Cockermouth to-night with graphic accuracy. When we first met this Session, and the first proposition of the Government for the regeneration of Ireland, which was awaited with the deepest interest, turned out to be a vote of a small sum of money as a means of relief, great and universal was the feeling of disappointment. Unfortunately the sufferings of Ireland were not of recent occurrence, or of a novel nature. We had all observed the condition of that country during the whole of the autumn, notwithstanding that the startling events which were occurring all over the world were of such a nature as might well have distracted the attention of England. The Government must have long, and deeply, and carefully weighed all these circumstances; and the country expected, and had a right to expect, the communication of large remedial measures when Parliament assembled. We were met with this vote for a small sum of money, and a proposition for a Committee to inquire into the Irish poor-law. The feeling at this side of the House was, that Government ought to have been prepared with specific measures of a remedial character, without drawing on the credit and capacity of this House. In no spirit of acrimony, but with moderation of tone, yet with firmness of purpose, this view of the question was urged on the consideration of Government; but our representations had no effect. The Committee was appointed; and it was not until the general feeling of disappointment which everywhere prevailed, at length impelled the noble Lord at the head of the Government, suddenly, in a precipitate, and one might almost say in an agitated manner, to come down to the Committee and propose a measure, making it a primary condition of his proposition that the Committee of Inquiry should not inquire at all. When it was announced that the Committee, thus docked of its attributes, had assented to these degrading terms, and had acquiesced in the views of the Government, I felt that all was over. I have the greatest confidence in the salient qualities of the Irish people; but I had not as intimate a knowledge as some of my friends of their powers of rallying. But I never shall despair of Ireland, or of the Irish people, or of the Irish representatives again, when I find that with a patriotism I cannot sufficiently applaud, and a moral courage which still amazes me, men who had the complaisance to assent to the proposition of the Government in a Committee, had the heroism in this House to save their country and vote against it. Well, at least we had a measure of some mark and likelihood before us; but the objection which applied to the first proposal of the Government was equally applicable to the second, namely, that it was accompanied by no measures of a permanent character which would prevent the occurrence of an emergency we all so much deplore. Our opposition was offered to it on that account, and although that opposition was not formally successful, it was virtually efficacious. The tone of the Government did not favour the idea that they were confident of carrying their measure. Easter came, and then what happened? The first thing that attracted notice was a paragraph in the journals at once recognised as having received the official stamp. The Irish Members were invited to meet on a certain day at Downing-street, where they were to be received by the Minister. I ventured to say this evening, when a startling conversation took place between my noble Friend the Member for Down, and the noble Lord at the head of the Government, that I thought the conduct of that noble Lord in so calling Members together was unconstitutional. The noble Lord deprecated any decision at the moment, and notwithstanding I was called to order, I believe I might, according to the forms of the House, have availed myself of the occasion to make the observations which occurred to me; but I cheerfully yielded to the intimation of the Chair. But after what the right hon. Gentleman the Chancellor of the Exchequer has said, I will repeat my opinion that it was an unconstitutional step. But the right hon. Gentleman has taken new ground on the subject in the course of his observations. He says, he is not ashamed of deferring to the Irish Members, and that he will always feel it his duty to consult them. But this deference of the Minister to the Irish Members, seems to have been a very Irish kind of deference. This mode of consulting the Irish Members is of a peculiar sort of confidence. My own opinion is, that it is unconstitutional in a Minister to call together, in a private place, a large section of the House of Commons, and confer with them. [Sir J. HOBHOUSE: No, no!] I shall be happy to hear the right hon. Gentleman the President of the Board of Control—than whom no man is more able, or more learned in the British constitution—offer any just criticism he likes. I think I know what the right hon. Baronet means by saying "no." Perhaps he thinks, or the noble Lord thinks, that though it may not be according to the letter—to the pedantic construction of the Bill of Rights—for a Minister to consult a large body of the House of Commons, yet we all know Ministers have been in the habit of calling Members of the House of Commons together, and communicating with them. Of this there cannot be a doubt. It is very true that our constitution, in spirit, though not in letter, is a Parliamentary constitution—a constitution governed by parties; and that very fact renders it necessary that the leading Members of parties should, from time to time, communicate with those acting in concert with them in political matters. But there is no similarity between a Minister calling together his political friends in a private manner, and a Minister advertising in the newspapers for a section of the House of Commons to meet him in his dining room. Here is the distinction. In the one case a Minister asks his political friends to support him; but in the other case he seeks of those who are in many instances his political opponents counsel, and not support. ["Hear, hear!"] I repeat that such a proceeding on the part of a Minister is not constitutional. It is a shuffling off of responsibility, calculated to alarm the just confidence we ought to feel in men who are honoured with the confidence of the Sovereign. I say, there is something degrading in a Minister going to 105 Members of the House of Commons, and saying, "Can you give me an idea—have you got a suggestion you can offer—do tell me how I am to govern Ireland; for if I do not know how to govern Ireland, I can no longer govern England, and I may cease to be Prime Minister." I say this is unconstitutional, and grossly unconstitutional. Some hon. Members from Ireland are in the habit of coming here and complaining that they are not made enough of, but I really think we treat them pretty well. Some of them want a Parliament of their own; but, according to this system, they have a Cabinet of their own. They consult together—they hold councils, and they frame their own measures. What Parliament in College-green could be better organised than all the Irish Members called together and locked up in the dining room of the Prime Minister? I repeat it is unconstitutional, because it tampers with free discussion in this House. The Minister and the Members should come here and discuss affairs of public moment, and not shut themselves up behind screens and with blinds drawn down in the private chamber of the Minister. But even if there had been no violation of the constitution, the act of the Minister was an extremely ineffective one—what has been the course of affairs? The Minister calls together, in this unconstitutional manner, a sixth of the House of Commons, to meet him in his private apartment—and when they are there, what is put before them? Now let us, as practical men, look at the manner in which the Prime Minister demeans himself. "Will you," said he, "support the Rate-in-Aid Bill, or, as an alternative, accept an income tax—and something else?" The answer of the Irish Members was naturally that their objection to the infliction of an income tax was very great. They said, however, "As you have got us here—as we are in for it—as we are here in secret council in a Parliament of our own, whatever may have been our first scruples, let us do business. We will decide, if you will tell us what we are to decide upon." "No," said the Chancellor of the Exchequer—the right hon. Gentleman who confesses that he is not ashamed to defer to Irish Members, nay, more, that he feels an honest pride in consulting them—"it would have been impossible for us to have put the alternative, for there would have been something unprecedentedly indelicate and altogether unusual in our whispering to a private ear the taxing propensities of the Government of England." And the hon. Gentleman added, "It is only in Parliament that we can disclose the alternative." The Irish Members very properly said the same thing, and told the Minister that it was only in Parliament they could give their answer. I think, therefore, I have some ground for expressing my opinion of the conduct of the Minister in this extraordinary assembly—an assembly which I have no hesitation in characterising as unconstitutional, ineffective, and absurd. I can conceive nothing more absurd than a Minister of the Crown advertising for a body of Members of the House of Commons to meet him one morning to see what God would send them; and then to find him accompanied by a Cabinet Minister, his private secretary, and a reporter, telling them that he had nothing to say, and, at the same time, preventing them from saying anything. And then the proceeding is wound up by the Minister's sending an accurate bulletin of what transpired to an evening paper, as the latest piece of intelligence. But the whole thing has been in perfect harmony with the Irish policy which has been pursued throughout the entire Session. "Infirm of purpose" is stamped on every measure; if, indeed, we can say we have a measure. That policy has been a series of hints—a policy of innuendoes, concluding by an invitation for suggestions by the Government to their political opponents. Here we are to-night discussing the same subject which was before us on the first night of the Session, namely, whether we shall grant to Ireland a small sum of money, without any one being certain that even the poor-law is to be remedied. What prospect is there, at this moment, of any measure being brought forward to prevent the recurrence of another claim like the present? We have again to ask the same question, with reference to this vote of 100,000*l.*, which we asked three months ago with reference to its junior brother. What must have been the feelings of the Irish Members when they first saw the advertisement, when they received the invitation? They might have felt—"Now it is coming—now we are going to have not only a comprehensive, but, unlike some other great schemes, a comprehensible measure." Instead of this, all the Irish Members have gained has been that they have been told, that in the barrenness of legislative construction on the part of the Treasury bench, that if they propose any measure of a more generous—larger, or of a more national character than the Government proposal, it will not receive the sanction of the Minister. I am unwilling to use any expression of harshness beyond the common criticism of debate. The hon. Gentlemen opposite are men we all respect—whose characters we esteem, and whose talents we acknowledge. They are a body of Gentlemen who, as Ministers, owe their existence to necessity. Whatever they do, their destiny is still to govern—they neither need fear rivals, nor apprehend successors. Under these circumstances, I wish, at all times, to use those terms of respect which would rise to the lips of every one who felt inclined to speak of them. But I may be allowed to say, that if they pursue the course they have too long pursued with regard to Ireland, it is not that they will lose the confidence, but I fear they will exhaust the patience of the country.

Lord J. RUSSELL: Sir, it is hardly necessary for me to address this Committee with respect to the answer which the hon. Gentleman the Member for Buckinghamshire has given to my right hon. Friend the Chancellor of the Exchequer, because the hon. Gentleman has not invalidated any one of those arguments which my right hon. Friend employed in support of his proposition. My right hon. Friend stated, that when the grant was first proposed, the opposition to that grant came very mainly from the hon. Member for Northamptonshire, who pointed out that Ireland paid some 11,000,000*l.* less in taxation than England, and that these grants did more harm than good. The hon. Gentleman has not been able to shake in any degree that statement. My right hon. Friend stated, that there was the instance in Scotland of what would not certainly be a rate in aid, but of taxation in consequence of a deficiency of crop. Now, that taxation was 14 pounds Scots in every 100 pounds Scots. That was 14 per cent, and was imposed on the counties in Scotland in which distress existed. Now, if it could be proved, as alleged, that the imposition of a rate of 6*d.* in the pound placed on all property assessed in Ireland is a violation of the Union, and tends to separate the two countries, the same objection was applicable to that Act of Parliament with respect to Scotland, which imposed on certain Scotch counties a rate of 14*l.* in every 100*l.*, for the purpose of the relief of distress. That we have not copied exactly that precedent can hardly be made a matter of reproach to us, having taken the spirit of that precedent; because, if we were to propose to impose on the county of Mayo a large taxation for the relief of distress in that county, it is obvious we should be looking to resources which would fail us when we desired to provide for the distress. So far, then, as my right hon. Friend's statement went, the hon. Gentleman has certainly done nothing to shake the validity of his arguments. But the hon. Gentleman went further, and has chosen to give a narrative of what has occurred during this Session with respect to which it is necessary that I should make some observations; and the first observation I have to make is, that though it is perfectly competent for the hon. Gentleman to give an account in works of fiction of the state of political parties in England, to pourtray those parties as he pleases, and to invent events and occurrences which may give great amusement to the public, and interest all those who read them, yet it is not fair in a Member of the House of Commons to make, in a speech in Parliament, a narrative to suit his own imaginary view of what might produce an effect; it is not fair for him to make occurrences happen which never did happen, and so to shape the whole course of events that his narrative may be exceedingly interesting, while the plain truth itself would give very little entertainment to the House. The first statement of the hon. Gentleman was, that the intention of the Government, in having a Committee on the Irish poor-law, was, that that Committee should frame measures for them; and that, great discontent having been expressed in this House at that intention, I went down to the Committee, and proposed in a hurried and agitated manner a number of resolutions. Now, that is fiction. It would make an admirable chapter in a novel, and be there a very pleasant representation of what occurred in the year 1849 in regard to the English House of Commons, and Committees of this House; but the fact happens to be somewhat very different from that representation. It happens that I said in this House, when urged by Irish Members to state before the Committee met what Government intended to do with respect to the Irish poor-law, that it was not my intention to do so; but that as soon as the Committee should assemble, and there should then be brought together a number of Gentlemen who were thoroughly acquainted with Ireland, I would state to them the views of the Government on the subject. Anything less like going down to the Committee in a hurried and agitated manner than this statement, some four or five days in advance of what I intended to do, can hardly be conceived. Then the hon. Gentleman says, that during the Easter recess I put an advertisement into the newspapers asking Irish Members to come to my dining-room, and that, having got them there and shut them up, I asked their counsel as to what should be done, and begged for advice in respect to what measures should be adopted with regard to Ireland. I again say, that that is a very pleasant, but a very imaginary statement. What happened was, that I wrote to every Gentleman representing any Irish county or borough, and asked him to do me the favour to meet me on a certain day; and when those Gentlemen did meet me, what I proposed to them was, not to give me counsel with respect to what we should propose, but, an hon. Member representing an Irish county, the Member for Kerry, having given notice of a proposition, which he has this night brought forward very fairly, and in a spirit of patriotism not only Irish but imperial, I asked them whether, as Parliament had decided that the urgent Irish distress should be relieved from extraordinary resources, it was their intention or not to vote for the proposition of the hon. Member for Kerry; because, if it were their opinion that the resources for the relief of the urgent Irish distress should be derived from the fund suggested by the hon. Member for Kerry, it would be far better, instead of the Government going down to the House to make this proposition, and then for another to be made which might be supported by a great majority of the Irish Members, that we should be informed beforehand, and then we should be ready to adopt the proposition of the hon. Member, and put that before the House instead of the Government proposition. The House will recollect that, when I last spoke on this subject, I said that if the hon. Gentleman the Member for Buckinghamshire meant to say that he should vote for the proposition of the hon. Member for Kerry, there would not be any insuperable difference between us; because, if such were also the opinion of the majority of the Irish Members, I should think it better to obtain the rate or tax in Ireland in the manner, I will not say the most palatable, but the least disagreeable to Ireland, rather than to impose it in the manner the most offensive and most disagreeable. I did not think that in making this statement to the Irish Members, I was doing any thing unconstitutional, or any thing inconsistent with my duty, or in the least degree lowering to the dignity which a Minister of the Crown ought to possess. On the contrary, as this tax was not to affect the whole of the united kingdom, but only a portion, I saw nothing inconsistent with my duty in endeavouring to learn what were the opinions of those representing that part of the kingdom to which the tax in question was to apply, and whether they had a preference for one proposition introduced by the Government, or for another, notice of which had been given by an hon. Member. The hon. Gentleman, in different parts of his speech, has made various statements, and says nothing is more indicative of our being infirm of purpose than our being disposed to change the proposition which we had already submitted to the House; but the hon. Gentleman himself at last gave some countenance to a change of purpose, because, alluding to those Irish representatives who, in Committee upstairs, voted in favour of the rate in aid, he adverted to their patriotism because they came down to the House and voted in a contrary manner, no doubt in deference to the wishes of their constituents. If that be patriotism, and if we paid the same deference to the wishes of the Irish representatives, there could not have been any thing so particularly culpable on our part. With respect to this subject, I must say that I think the hon. Member for Cockermouth has somewhat gone beyond the usual privilege of debate, when he says that the proposal for an advance is a proposal made upon a false pretence.

MR. HORSMAN: What I said was, that it was not only based on false principles, but might almost seem to be on false pretences.

LORD J. RUSSELL: Well, taking it with that salvo, all I can say is, that that "seeming" would be a very false "seeming;" that it would not be the real fact with regard to it; certainly, my expectation is, that if the Bill for the rate in aid should pass, the advance would be repaid by the sum which would be taken, probably, not by a special rate. Now, with regard to the proposition made by the hon. Member for Kerry, as I have said, we were ready to consult the wishes and opinions of Irish Members; but I think we were not mistaken in our original view, that with respect to the interests of Ireland it was better to take the measure of a rate in aid, than resort to the proposition of an income tax. My right hon. Friend said, that with regard to the rate in aid, it was to be collected by a machinery already in existence, whereas the income tax would require a new machinery; my right hon. Friend, as Chancellor of the Exchequer, has very naturally not gone beyond that statement; but if any one will reflect what is the meaning of a new machinery with regard to taxation, it will be seen that it means something which is not at all agreeable in practice. With respect to an income tax, it is generally agreed that you could not have an income tax in Ireland without applying it to trades and professions, and then you must ask every man what have been his gains and profits. Now, that is a question which is not answered without difficulty, it being of course very injurious to any man in trade to state that his profits have been extremely low during the preceding year—that they amounted to little or nothing; and, on the other hand, if he should state that they have been very considerable, of course the tax he would have to pay would be large. The machinery of other taxes, of any tax of excise, requires supervision, and is therefore likely to be considered to be attended with most irksome circumstances. I certainly should not object to any discussion of the proposal of the hon. Member; I have stated that I think it a very fair proposal; but I do wish the Committee to recollect what are the circumstances in which we are proposing this rate in aid. I beg the Committee to recollect that which I have so often stated, but which I have generally found nearly, if not totally, omitted in debate, that there is a very considerable population who have for many years lived upon the potato as their accustomed food; and who, when those potatoes fail, having no employment, receiving no wages, and not gathering that accustomed food, are left totally destitute, and without extrinsic aid must perish. Now, when a subject of this kind is under consideration, let it be discussed in what form the House will give relief in the way they best can; let them say that they will do it by means of an income tax, if they do not prefer the rate in aid; but let me ask them, at all events, to come to a decision by which the Government may be enabled to relieve that extreme distress. I do not wonder, certainly, that objections have been made to repeated grants; but, at the same time, I must represent to the House that the failure of the potato in 1846, and the grants and loans that were made in 1846, can by no means diminish a similar misfortune occurring in 1849. We may well say, as the right hon. Gentleman the Member for Tamworth said—and which I think has not been correctly or fairly represented by the hon. Member for Cockermouth—"Let us supply the immediate necessity, let us vote the means of relieving this extreme distress, but let us consider what is to be the case in future years, and let us have a future policy as well as the means of alleviation." The right hon. Baronet did not say—"Let us have a policy, and let us therefore not have any means of alleviation." I do not think that is a just representation. It was for the future that he proposed there should be some policy laid down. I do not wish to enter further into the questions which the hon. Member raised: with respect to a portion of them, and a great portion of what the right hon. Baronet said, we shall have opportunities of discussion when the Bill of my Friend the Solicitor General comes before the House; there must be frequent occasions when this other question of policy towards Ireland will be considered. But what I do ask the House is, that whatever may be their opinion of future policy, whatever their opinion of the mode in which this immediate want shall be relieved, they will consider that the want of 1849, the distress of 1849, the hunger and the starving of 1849, are as great as existed in 1846, almost as great as in 1847; and I hope this Committee will decide in such a manner that effectual relief for the present distress may be provided.

Colonel DUNNE moved the adjournment of the debate.

Lord J. RUSSELL: This resolution will have to be reported, and we shall have, afterwards, to go into a Committee on the Rate in Aid Bill; and I do not think I am asking too much to ask the House to continue the debate.

The CHAIRMAN: Does the hon. and gallant Member persist in his Motion?

Colonel DUNNE: There are numbers of Irish Members who are anxious to speak. If Irish Members do not wish to adjourn the debate, I shall bow to their decision; but if there are Irish Members who wish to speak, I shall persist in the Motion I have made. The debate has been carried on on extraneous points. There has been no argument in favour of the rate in aid, or the application of the income tax to Ireland.

Viscount CASTLEREAGH regretted that his hon. Friend the Member for Kerry had persisted in bringing forward this Motion. He had already stated, in writing to the noble Lord, the reasons which had induced many of the Irish Members to decline giving an opinion upon the question. As to the imposition of the income tax, he conceived it absolutely impossible to answer to those who had sent them here as to whether they were willing to agree with their Members in consenting to such an income tax. If the hon. Member for Kerry pressed his Amendment, he could not vote for that Amendment, however willing he might be at another time to vote for it and support it. He desired distinctly to be understood as perfectly willing to enter into the question of increased taxation of Ireland, on the understanding that it should be imperial taxation for imperial purposes; for he really objected to local taxation. As far as he was concerned, if he had any weight with the hon. Member for Kerry, he should press him not to go to a division.

Mr. **MONSELL**, on the other hand, requested the hon. Member for Kerry to persist. He wished, for one or two minutes, to reply to the observations of the noble Lord at the head of the Government.

Colonel **DUNNE** rose to order. It was not competent to the hon. Member to speak on the question—upon the question of adjournment. If any one was to speak he was in possession of the House.

Question proposed, "That the words proposed to be left out stand part of the Question." Whereupon Motion made, and Question put, "That the Chairman do now report progress, and ask leave to sit again."

The Committee divided: Ayes 77; Noes 206: Majority 129.

List of the Ayes.

Alexander, N.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Baldock, E. H.
Bankes, G.
Barron, Sir H. W.
Bateson, T.
Bennet, P.
Bentinck, Lord H.
Blackall, S. W.
Bourke, R. S.
Bremridge, R.
Broadley, H.
Broadwood, H.
Bruen, Col.
Buller, Sir J. Y.
Butler, P. S.
Chichester, Lord J. L.
Clements, hon. C. S.
Compton, H. C.
Corry, rt. hon. H. L.
Crawford, W. S.
Damer, hon. Col.
Dawson, hon. T. V.
Devereux, J. T.
Disraeli, B.
Fellowes, E.
Ffolliott, J.
Fitzwilliam, hon. G. W.
Fox, R. M.
Godson, R.
Granby, Marq. of
Greene, J.
Hamilton, Lord C.
Harris, hon. Capt.
Hayes, Sir E.
Herbert, H. A.
Herries, rt. hon. J. C.
Hill, Lord E.
Hornby, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, R.
Lawless, hon. C.
Lewisham, Visct.
Lockhart, W.
Long, W.
Lowther, hon. Col.
Mackenzie, W. F.
Macnaghten, Sir E.
Magan, W. H.
Meagher, T.
Masterman, J.
Monsell, W.
Moore, G. H.
Neeld, J.
Newdegate, C. N.
O'Flaherty, A.
Packe, C. W.
Palmer, R.
Plumptre, J. P.
Portal, M.
Renton, J. C.
Sadleir, J.
St. George, C.
Spooner, R.
Stafford, A.
Stanley, hon. E. H.
Stuart, J.
Sullivan, M.
Tenison, E. K.
Tennent, R. J.
Tyrell, Sir J. T.
Vyse, R. H. R. H.
Walsh, Sir J. B.
Wodehouse, E.

TELLERS.

Dunne, Col.
Scully, F.

List of the Noes.

Abdy, T. N.
Adair, R. A. S.
Aglionby, H.
Anson, hon. Col.
Armstrong, Sir A.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Baring, T.
Bass, M. T.
Beckett, W.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, C. L. G.
Birch, Sir T. B.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Brackley, Visct.
Bramston, T. W.
Bright, J.
Brisco, M.
Brotherton, J.
Brown, W.
Bulkeley, Sir R. B. W.
Burroughes, H. N.
Buxton, Sir E. N.
Cardwell, E.
Carter, J. B.
Charteris, hon. F.
Childers, J. W.
Christy, S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Clive, hon. R. H.
Cobden, R.
Cockburn, A. J. E.
Cowper, hon. W. F.
Craig, W. G.
Currie, H.
Deedes, W.
Denison, J. E.
Douglas, Sir C. E.
Drummond, H.
Duncan, Visct.
Duncan, G.
Duncombe, hon. O.
Duncuft, J.
Dundas, Adm.
Ebrington, Visct.
Edwards, H.
Egerton, W. T.
Ellice, E.
Elliot, hon. J. E.
Emlyn, Visct.
Estcourt, J. B. B.
Euston, Earl of
Evans, J.
Evans, W.
Filmer, Sir E.
Fitzroy, hon. H.
Fordyce, A. D.
Forster, M.
Gladstone, rt. hn. W. E.
Glyn, G. C.
Goddard, A. L.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greenall, G.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Guest, Sir J.
Gwyn, H.
Haggitt, F. R.
Hardcastle, J. A.
Harris, R.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Henley, J. W.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hood, Sir A.
Howard, Lord E.
Howard, hon. C. W. G.
Hume, J.
Jervis, Sir J.
Jocelyn, Visct.
Keppel, hon. G. T.
Kershaw, J.
King, hon. P. J. L.
Knox, Col.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lewis, G. C.
Lincoln, Earl of
Lindsay, hon. Col.
Littleton, hon E. R.
Locke, J.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
Maitland, T.
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Mitchell, T. A.
Moffatt, G.
Moody, C. A.
Morris, D.
Mowatt, F.
Mulgrave, Earl of
Mundy, W.
Newport, Visct.
Newry and Morne, Visct.
Norreys, Lord
Norreys, Sir D. J.
Nugent, Lord
O'Brien, Sir L.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmer, R.
Palmerston, Visct.
Parker, J.
Pearson, C.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, F.
Pennant, hon. Col.
Peto, S. M.
Pigott, F.
Pinney, W.
Power, N.
Prime, R.
Pryse, P.
Pusey, P.
Rawdon, Col.
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.

Rutherfurd, A.
Sandars, G.
Sandars, J.
Scholefield, W.
Scott, hon. F.
Scrope, G. P.
Sheil, rt. hon. R. L.
Shirley, E. J.
Sidney, Ald.
Smith, J. A.
Smith, M. T.
Smith, J. B.
Somers, J. P.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Stansfield, W. R. C.
Stuart, Lord D.
Stuart, Lord J.
Stuart, H.
Talfourd, Serj.
Tancred, H. W.
Thesiger, Sir F.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Townshend, Capt.
Trollope, Sir J.
Turner, G. J.
Vane, Lord H.
Villiers, Visct.
Villiers, hon. F. W. C.
Walmsley, Sir J.
Walpole, S. H.
Walter, J.
Ward, H. G.
Watkins, Col. L.
Wellesley, Lord C.
Willcox, B. M.
Williams, J.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wortley, rt. hon. J. S.
Wyld, J.
Wyvill, M.
Young, Sir J.

TELLERS.
Tufnell, H.
Hill, Lord M.

Mr. SADLEIR was anxious to have the opportunity of explaining why he could support neither the rate in aid nor the proposition of the hon. Member for Kerry. He believed other Irish Members wished to speak, and he hoped, therefore, that the noble Lord would not persist in going to a division on the main question that night. He would move that the Chairman report progress.

Lord J. RUSSELL would not oppose the adjournment, as the feeling of a large portion of the House appeared to be in favour of it, but reminded Irish Members that by postponing their decision they increased the difficulty of providing the means for relieving the distress which existed.

Committee report progress; to sit again To-morrow.

House adjourned at One o'Clock.

HOUSE OF LORDS,

Friday, April 20, 1849.

Minutes.] *Took the Oaths.*—The Lord Archbishop of Dublin.

Public Bills.—1ª Smoke Prohibition.

Petitions Presented. By Lord Colchester, from East Grinstead, for a Revision of the present System of Taxation.—By the Earl of Rosse, from King's County and Parsonstown, against the proposed Rate in Aid (Ireland).—From Bath, against the Admission of Vagrants or Tramps into Union Workhouses; also for a Repeal of the Window Tax.

NORTH WALES RAILWAY.

Lord BEAUMONT presented two petitions, one from William Chadwick, of Richmond Green, Chairman of the North Wales Railway Company, now in custody for contempt of Orders of this House, stating that the petitioner entertains the deepest sense of the profound respect which is due to their Lordships, and that he is fully sensible of the great impropriety of his conduct in not securing a proper return to be made pursuant to Orders of this House of the 3rd and 25th of August last, and praying that their Lordships will be pleased to take a merciful view of the petitioner's conduct, and extend forgiveness to him, and order him to be discharged out of custody; and the other from John Marriner, late Secretary of the North Wales Railway Company, now in custody for contempt of the Orders of this House, stating that it had not been his intention to treat with contempt or disobedience the Orders of this House, and that any acts of contumacy which have incurred the displeasure of their Lordships have arisen through a misconception of the terms of the Orders, and the peculiar position in which the petitioner was placed, who, although the Secretary of the said company, was not in possession of the documents and information necessary to complete the accounts, and was unable to obtain the information required, and also expressing his sincere sorrow and contrition, and praying to be released from custody. His Lordship moved that the petitions should be taken into consideration at once.

The **LORD CHANCELLOR** thought that it would be more consistent with the dignity of their Lordships' House to decline to entertain the petitions at that time. They would be most willing to hear anything which parties in such a situation as the petitioners might have to say in extenuation of their conduct. He thought that if the noble Lord would postpone his Motion till Monday next, that would be allowing but a decent time to intervene between the committal and entertaining the application of the petitioners.

Petitions read; to be taken into consideration on Monday next.

House adjourned to Monday.

HOUSE OF COMMONS,

Friday, April 20, 1849.

Minutes.] Public Bills.—*Reported.*—Apprehension of Deserters (Portugal).

Petitions Presented. By Mr. Compton, from Warblington, County of Southampton, against the Parliamentary Oaths Bill.—By Mr. Lushington, from Inhabitants of the Metropolis, for the Adoption of Universal Suffrage.—By Mr. Fergus, from the Members of the Scotch Baptist Church, Rose Street, Kirkcaldy, for the Affirmation Bill.—By Mr. Eliott Lockhart, from Galashiels, for the Clergy Relief Bill.—By Mr. Fuller, from Arlington, Sussex, against, and by Mr. Parker, from Sheffield, in favour of, the Marriages Bill.—By Mr. Eliott Lockhart, from Selkirk, against the Marriage (Scotland) Bill.—By Mr. Fergus, from Wemyss, Fife, and from several other Places, against the Sunday Travelling on Railways Bill.—By Viscount Newport, from Bridgnorth, for Repeal of the Duty on Malt.—By Colonel Mure, from Neilston, County of Renfrew, for Repeal of the Duty on Paper.—By Mr. Spooner, from Members of the Birmingham General Provident and Benevolent Institution, against the Friendly Societies Bill.—By Mr. Henry Herbert, from the County of Kerry, for an Alteration of the Grand Jury Laws (Ireland).—By Colonel Arbuthnott, from the County of Kincardine, against the Lunatics (Scotland) Bill.—By Mr. Alcock, from the Epsom Union, for the Adoption of Measures for the Suppression of Mendicancy.—By Mr. Plumptre, from Ramsgate, against the Navigation Bill.—By Mr. Wodehouse, from Aylsham Union, Norfolk, and by other hon. Members, for a Superannuation Fund for Poor Law Officers.—By Mr. Bateson, from Moneymore, County of Derry, against the proposed Rate in Aid (Ireland).—By Mr. Fergus, from Dunfermline and Auchtermuchty, for the Punishment of the Promoters of Promiscuous Intercourse.—By Mr. Farrer, from Darlington, County of Durham, against the Public Roads (England and North Wales) Bill; also for Compensation should this Bill pass into a Law.—By Mr. Newdegate, from Fentry, County of Stirling, against the Registering Births, &c. (Scotland) Bill.—By M. Heyworth, from Derby, for an Alteration of the Sale of Beer Act.—By Mr. Milner Gibson, from the Chamber of Commerce and Manufactures at Manchester, for Repeal of the Act 8 and 9 Vic., c. 122, respecting the Slave Trade (Brazil).—By Mr. Heyworth, from Whitchurch, Somersetshire, for referring International Disputes to Arbitration.

HOP DUTY.

MR. HERRIES had a question to put to the right hon. Gentleman the Chancellor of the Exchequer, arising out of an answer which that right hon. Gentleman had given to a question put to him on a previous occasion. The question which was asked related to the hop duty, and he (Mr. Herries) had not been able to catch distinctly from the answer given what determination the Government had come to. As far as he could collect the meaning of the right hon. Gentleman, he understood him to observe either that his intentions had been prematurely divulged, or that they had been incorrectly promulgated. It was very desirable, for the sake of a great number of suffering farmers, that there should be no longer any suspense or doubt upon this subject, and therefore he hoped the right hon. Gentleman would inform the House what were the intentions of Her Majesty's Government.

The CHANCELLOR OF THE EXCHEQUER expressed his obligations to the right hon. Gentleman for putting the question to him, and said that what the Government proposed to do was to postpone, till some day about Michaelmas, the payment of the duties payable in May, on a bond being given by the parties wishing to avail themselves of the indulgence. He said "about Michaelmas," because he should like to fix his own day, but he proposed to give the parties the benefit of the picking this year.

Subject at an end.

PUBLIC REVENUE AND EXPENDITURE—THE BUDGET.

MR. HUME said, it appeared from a balance-sheet which had been laid on the table by the Government, that there was an excess of expenditure over income amounting to 269,000*l*. He wished to know whether or not the Government were now prepared to submit to the House their estimates and expectations of revenue and expenditure for the current year?

The CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman the Member for Montrose had referred to a balance-sheet which was laid on the table the other day. Although there was still in the expenditure of the year an excess over revenue, in round numbers, of 270,000*l*., yet he must say that the balance-sheet was one which could not be unsatisfactory to the House; for there was included in the expenditure a sum of 390,000*l*. for Irish distress, which he had not contemplated having to provide for out of the income of the year. Besides, the whole sum which he had felt it to be necessary to provide for by borrowing money, was actually covered by the income of the past year. The income of the last year was half a million better than he anticipated it would be when addressing the House in August last. There was also included in the excess of this year an uncontemplated excess of naval expenditure, which, though it had been voted this year, was fairly chargeable to the revenue of next year. Therefore, although there was an excess in the expenditure of the year as compared with the income, yet he thought the prospect held out by the balance-sheet was very satisfactory, showing, as it did, that notwithstanding the difficulties with which the country had had to contend during the last twelve months, the income of the country had risen beyond what he anticipated when speaking at so recent a period as last August. He might say, generally, that he was confirmed in the expectations which he had held out to the House, that, with the present means, the income would exceed the expenditure. He was sorry, however, to be obliged to add, that the blockade of the northern ports had given a check to the export trade to the north of Europe, and that he did not now feel quite certain that the estimates made before that event would be fully borne out. He still believed that the income of the year would more than fairly cover the expenditure; but for the reason which he had just stated, he could not make so precise a statement as was desirable.

Mr. HUME had not so much intended to ask a question respecting the revenue, for he was not at all desirous that the revenue should increase, as to obtain information respecting the expenditure. He wished to know whether the reductions which had been announced were actually in progress?

The CHANCELLOR of the EXCHEQUER said, the hon. Gentleman was aware that the reductions already announced to the House in the naval, military, and ordnance estimates, amounted to upwards of 1,400,000*l.* He could not undertake to make any considerable reductions beyond that amount.

Mr. HERRIES had not clearly understood the right hon. Gentleman's meaning with regard to the blockade of the northern ports. He did not exactly see how that event could have affected the prospect of a favourable revenue for the year.

The CHANCELLOR of the EXCHEQUER had not stated that the revenue would be diminished by a decrease of exports arising from the blockade of the northern ports; but his right hon. Friend must know that the revenue of the country depended in a great degree on the country being in a prosperous state. He had within the last week received accounts to the effect that a check had been given to that prosperity of trade which existed two months ago; and any calculations which were founded on a state of trade so prosperous as trade generally was two months ago might not be borne out, unless the causes of the recent check were removed.

Subject dropped.

NAPLES AND SICILY.

Mr. BANKES said, he had on the previous day given notice of his intention to put a question to the noble Viscount the Secretary of State for Foreign Affairs. As, however, he did not see the noble Viscount in his place, and as the House was about to proceed to public business, during the consideration of which it would not be competent to him to propose his question, he would address himself to the noble Lord at the head of the Government: though he would have preferred putting the question to the Secretary of State for Foreign Affairs, he had no doubt the noble Lord would be equally able to give him an answer. The question had reference to a letter dated January 26, 1849, which he supposed he might call "the inadvertency letter." It was a letter addressed by Viscount Palmerston to the Hon. William Temple. [*Viscount Palmerston here entered the House.*] His question had reference, he repeated, to a letter which, for the sake of distinction, he begged to call "the inadvertency letter," dated the 26th of January, 1849. It had reference to some guns which, as would be recollected by the House, were, with the sanction of the noble Viscount, transported to Sicily for the use of the insurgents. The noble Viscount having given his permission in the month of September, it appeared that in the month of January following, he thought proper to offer some explanations to the Government of the Two Sicilies. The paragraph of the noble Viscount's letter to which he desired to call the attention of the House, ran thus:—

> "It is possible that the Neapolitan Government may complain to you of this transaction on the ground that although no direct assistance was furnished by Her Majesty's Government to the Government of Sicily, yet facility was afforded to the contractor who had engaged to provide supplies for that Government. If any such representations should be made to you by the Government of Naples, you will say that the authority in question was given inadvertently; that Her Majesty's Government regret what has occurred; and that no similar facility has been given, or will be given, by Her Majesty's Government to persons employed in furnishing supplies to the Sicilian Government, while the differences between the Sicilians and the King of Naples are unsettled.—I am, &c. "Palmerston."

He would ask the noble Viscount whether the letter was, as he presumed, to be taken as a letter sent by the authority of the united Government of Great Britain? and, secondly, he would ask him when it was that the insurgents of Sicily were first recognised by the Government of Great Britain as "the Sicilian Government?" The letter not merely recognised the existence of "the Sicilian Government," but contemplated that its existence was likely to continue. It had reference not merely to the present but to the future, declaring, as it did, that "no similar facility has been given, or will be given, by Her Majesty's Government to persons employed in furnishing supplies to the Sicilian Government," meaning thereby the insurgents.

Viscount PALMERSTON said: In answer to the first question, I have to state to the hon. Member for Dorsetshire, that this letter was sent by the authority, not only, as he puts it, "of the united Government of Great Britain," but of the Government of the United Kingdom of Great Britain. With regard to the second question, I have to state that the existence of the Government of Sicily, acting in and administering the affairs of that island, was acknowledged by Her Majesty's Government as early as the beginning of last year, when, at the request of the King of Naples, the Earl of Minto placed himself in communication with that Government, for the purpose of effecting an amicable settlement of the differences between them. From that time a Government has existed. We recognise that which is; and though the hon. Gentleman may shut his eyes to the fact, it is a fact to which the Government of Naples have not been able to shut theirs.

Mr. BANKES: Do I understand that the King of Naples has recognised the Government of Sicily? I had understood the contrary.

Viscount PALMERSTON: The hon. Gentleman refers to an impression made on my mind as to the tenor of a letter which the Neapolitan Minister read to me in the course of a conversation which took place between us in Downing-street. What I have now been stating has reference to transactions which took place at Naples.

Mr. BANKES: Am I to understand that the Government now recognise the Sicilian Government as separate from the Government of the King of Naples?

Viscount PALMERSTON: Her Majesty's Government acknowledge the fact that there is in Sicily a Government administering the affairs of Sicily. It is a Government *de facto;* it is impossible for the hon. Gentleman or anybody else to deny that.

Subject dropped.

The House then resolved itself into a Committee of Supply; Mr. Bernal in the chair.

NAVY ESTIMATES.

Mr. WARD moved—

"That 350,000*l.* be granted on account towards defraying the charge for Wages to Artificers, Labourers, and others, employed in Her Majesty's establishments at home."

Mr. FITZROY objected to the principle of obtaining votes on account, believing it to be unconstitutional to do so. There was no plea for the adoption of such a course as there was last year, when a Committee on the Navy Estimates was sitting. It was peculiarly desirable at present that they should have a discussion on these items, as they would now have the advantage of an explanation from the hon. Secretary for the Admiralty, which would not be the case in a short time, as it was understood that he had accepted a high colonial appointment. Under these circumstances, he should protest against their taking this vote on account.

Mr. HUME wished to know what proportion of the whole vote was now proposed to be taken? He agreed with the hon. Member for Lewes, that the system of taking votes on account was most objectionable, and he trusted that this would be the last occasion of resorting to anything of the kind. As he understood the matter, the present vote on account was asked for, as it was extremely desirable that the question before the House last night should be settled.

Mr. WARD said, that it was not proposed to take one half of the estimate on account in any case. He did not wish to shrink from any discussion, and should be very happy to give every explanation.

Sir H. WILLOUGHBY did not object to the vote on account on the ground urged, but he did so because he believed some of the estimates were capable of very considerable reduction. His own opinion was, that in Votes 8 and 10 reductions might be made to the extent of one half.

Mr. WARD did not believe that those votes could be reduced that amount without great detriment to the public service.

The CHANCELLOR of the EXCHEQUER observed, that the real meaning of taking these votes on account was the adjourned debate of last night, and the arrangement of business which had been made for next week. Early in the Session the House voted a portion of the Exchequer-bills on the Committee on Ways and Means. He was very unwilling to pursue any other than the ordinary course; and that they should, as soon as possible, vote the remainder of the Exchequer-bills, as was the usual proceeding. If the debate of last night had not been adjourned, it was intended to have taken the discussion on the Navy estimates, as it was necessary that some money should be advanced.

Mr. HERRIES said, that he felt imperatively called upon to observe that there never was a time at which, on many accounts—especially considering how the eyes of other nations were upon us, and also considering the distress that existed among us—it was incumbent on the House to exert their most earnest endeavours in order to effect every possible reduction of expenditure in every department. He said this, as would be easily conceived, not from any sympathy with the sentiments of "liberal" agitators or political economists, or from any desire to advance their extravagant demands, but he thought the House were more than ordinarily bound to avail themselves of every opportunity of sifting to the utmost each item of expenditure. Surely, under such circumstances, it was unfortunate that these votes should be proposed at a conjuncture when they could not be discussed; and it would have been far better to have taken such a course as would permit a proper consideration of them, more particularly as the debate, to promote which the discussion of these votes was to be waved, had a close connexion with the subject of reductions on expenditure, seeing that an extraordinary measure was to be proposed for supplying the deficiencies in our revenue. He was unwilling to do anything to impede the public business, but he believed that it was unnecessary to press these votes in the way proposed; if, therefore, his hon. Friend the Member for Lewes persisted in pressing his objection to the proposal of Her Majesty's Government, he should feel compelled to support him.

Lord J. RUSSELL remarked, that it would have been far more convenient for the Government to have gone on with the Navy estimates that evening, and his hon. Friend the Secretary of the Admiralty had been quite ready to do so, but this could not be done in consequence of the adjourned debate. The right hon. Gentleman himself admitted that some of these particular votes would have led to considerable discussion. The question, then, which they had to consider was, whether they should be able to resume the debate, and divide on it that night if they had taken the Navy Estimates first. If they had taken the discussion on the estimates, the probability was that there would be another adjournment of the debate, which could not be resumed for a week; this would have been attended with much inconvenience. Although he agreed in the principle of the objections as a general practice, still peculiar circumstances, such as existed in the present case, might justify them in resorting to such a course.

Mr. DISRAELI suggested, whether it would not be a more judicious course for the Government to take a vote of Exchequer-bills in Committee of Supply.

The CHANCELLOR of the EXCHEQUER said, that would not put off the evil day. He admitted the course they now proposed was inconvenient, but it was the least inconvenient of any open to the Government.

Captain PECHELL considered the whole course of voting money on account was an extremely inconvenient and objectionable one. Why should not the estimates have been brought forward at an early period of the Session? The Government might have done so before Easter, when they had plenty of opportunity of doing so. They were getting into the system of postponing the consideration of the estimates to August, when they were smuggled through the House. If the hon. Member for Lewes should persist in resisting this course of proceeding, the Government would find that the present would be the last time that it would be allowed to take place.

Mr. FITZROY had no wish to impede public business after the explanation of the noble Lord at the head of the Government; he, therefore, would not press his objection.

The vote was then agreed to, as were the following votes on account:—

350,000*l.* for Naval Stores for the building, repair, and outfit of the fleet, &c.

500,000*l.* for Half-pay to Officers of the Navy and Royal Marines.

200,000*l.* for Military Pensions and Allowances.

100,000*l.* for Civil Pensions and Allowances.

House resumed. Resolutions to be reported on Monday next.

POOR LAWS (IRELAND)—RATE IN AID BILL—ADJOURNED DEBATE.

The House then resolved itself into Committee on the Motion for the advance of money on the security of the rate in aid.

Mr. SADLEIR said, he would state as briefly as possible some of the considerations which had induced him to resist the proposition which had been brought forward by the Government, to raise a certain sum of money for the relief of distress in certain districts of Ireland, under the name of a rate in aid. He regretted to perceive, from the observations addressed to the House last evening by the noble Lord at the head of the Government, that he was disposed to re-echo the clap-trap, and, as he must think, most unjust cry of those few Members who were in favour of the Ministerial project. It had been stated, most unfairly and unjustly, that the majority of the Irish Members, by opposing the proposition, placed themselves in the position of men who were prepared to pass a sentence of death upon a large portion of their fellow-countrymen. The noble Lord had stated that the people of Ireland would starve if this plan was not adopted.

LORD J. RUSSELL remarked, he had stated that the greatest distress would arise if these proceedings were not speedily brought to a close one way or the other.

MR. SADLEIR denied that this proposition would give any permanent relief. So far from it, he was convinced that it was not only an unjust and delusive proposition, but that it was calculated to extend the circle of destitution and suffering, which he was sure the noble Lord was anxious, as far as possible, to reduce. He considered a rate in aid was contrary to the main principle of a poor-law. It would take away a most powerful stimulus to industry and to the principle of self-reliance. He regarded it as the worst description of income tax imposed on the small tenants and traders in the towns of Ireland. These classes of persons were exempted from the payment of an income tax in England, but they would be compelled by this plan to pay it in Ireland. The tenant occupier who had to pay this sixpenny rate in aid, practically had to advance 50 per cent of the tax for the landlords. The tenant occupier would be obliged to pay up this rate with the current gale of rent. The natural consequence of the excessive taxation on Ireland under the poor-law, and the depression which had taken place in the value of farming stock and agricultural produce, would be such that it was idle to imagine that the tenant occupiers could pay up the 300,000*l.*, proposed to be raised by this rate. It was vain to hope that any extent of potato or other cultivation, or a return of a better state of things, would put these persons in such a situation as had been pointed out by the noble Lord last night. It was supposed that the burden of this rate would fall upon only one province, and that the pressure would be experienced in Ulster; but he was convinced that a much larger proportion of this tax must be contributed by the provinces of Leinster and Munster. One of the most direct and immediate effects of this rate in aid would be to diminish employment. It was notorious that the Irish poor-law had failed as a stimulus for useful employment. He should have no difficulty in demonstrating to the House that there were many proprietors who had at a great sacrifice given employment to the poor of their respective vicinities; but this rate in aid would render it impossible to continue this description of employment. He was glad that the Government had at length felt it to be their duty to bring under the notice of the House the revolting destitution which existed in the pauperised unions in Ireland; but he also thought that it was desirable to place directly before the House the condition of the smaller tenantry and labouring classes in other districts, where it was supposed that destitution did not exist to a very considerable extent. He knew that several hon. Members laboured under the delusion that there was comparatively little distress in the provinces of Leinster and Munster; but he would refer to some documents on the table to show how erroneous this opinion was. He would first refer to the county of Waterford. The Poor Law Commissioners had directed Mr. Herbert, the inspector, to make inquiries of some of the most respectable pawnbrokers in the district as to the state of their trade as connected with the destitution of the people. From Dungarvan, the district inspector obtained the following report from Mr. Hannagan, and Mr. Kennedy, pawnbrokers in that town:—

> "We, the undersigned pawnbrokers of this town, give the following reasons for the great decline in business, consequent on the blight of crops—both of potatoes and corn—for the past four years, namely—First, the small cottiers and struggling farmers, with artisans and other trades, are greatly diminished by emigration, deaths innumerable by starvation, and a vast number obliged to resort to the poorhouse, thereby rendering so much of the working population totally unable to apply to pawn offices either to buy, pledge, or redeem; and the remaining part thereof are reduced to utter destitution, and are also unable to resort to the pawn offices in the usual manner, which, in our opinion, is the cause of the pawnbroking trade being so languid as it is at present, and very likely to be worse."

Then, again, from the Kilkenny union, was the following report from a pawnbroker:—

"From my knowledge of the state of the people at present, I think the poor farmers the worst off of all classes; next to them the trades and labourers. The farmers commenced pledging heavily in 1846, and have continued to pledge and increase with the exception of the harvest seasons, and are commencing now again. Since 1846, more persons in a respectable rank of life have resorted to pawn offices than usually were used to it. Heretofore about five to ten per cent were left unredeemed; but since 1846, fully fifteen per cent were left unredeemed. The description of goods pledging at present by the poorer classes are very bad, and getting worse every day; and the clothes belonging to nearly all the trades and labourers are at present in pawn. The quantity of bedding pawned since 1846 is very great, and is still on the increase."

Such was the state of distress in the counties of Waterford and Kilkenny, which were thought to be in a most flourishing condition. In the county Carlow, which was the most comfortable and prosperous portion of Ireland, Messrs. M'Donnell and Fitzgerald, pawnbrokers, certify to the same effect. In the Queen's County, Mr. Goodberry, clerk of the Mount Mellick union, addressing Mr. Flanagan, one of the commissioners, states that such a thing as good clothes with any of the poor people, was not to be seen. Again, with reference to Tipperary, which was notoriously a rich county, he would refer to an extract from a report from a pawnbroker to Captain Haymes, the inspector of the poor-law in that district, respecting an extremely rich part of the country known as the "Golden Vein:"—

"I have addressed myself to Mr. Ferguson, the only pawnbroker in my union, who, being a very intelligent person, has afforded me much interesting information on the subject. I cannot do better than transmit to the Commissioners Mr. Ferguson's letter to me, together with the returns, for the last five years, of the number of pledges made and released month by month; but it must be borne in mind, that for the last two years the clothes of the peasantry have been wholly excluded from these returns, as being too worthless to take as pledges."

Then follows the pawnbroker's statement:—

"I have been making the most minute inquiries from the conductors of my establishment, relative to the cause of the great falling-off in pledges, and the consequent reduction in the profits of the concern of more than half what it was before the failure of the potato crop. It appears that before that period there were various establishments that afforded the people an opportunity of renewing their clothes, such as loan offices, and woollen drapers were in the habit of giving out materials for clothes to the people on their joint security, from one to four pounds' worth, payable at one shilling per week for each pound. Those resources were immediately discontinued after the potato failure, and the people's clothes became so bad that no pawnbroker could receive them as pledges, and such as were pledged remain forfeited; and when brought to a sale, scarcely or never realised the original sum lent on each article. Therefore pawnbrokers had to limit their business; and the class of persons I understand who resort to the establishments latterly, are the small farmers, who were in comparative comfort some time since."

He had received a letter from Mr. Hamilton, of Roundwood, in the Queen's County, a gentleman who had made extraordinary efforts to give employment to every person in this electoral district. Notwithstanding his efforts, aided and abetted by those of two other proprietors in the district, he states that the poor-rate estimated for the present year was 3*s.* 6*d.* in the pound, not for the sustainment of a single ablebodied labourer, but for the weak and the helpless poor in the workhouse. He states that, in addition to this 3*s.* 6*d.*, they would have 6*d.* as a general rate, and 1*s.* 6*d.* as union rate in aid, making, in the whole, 5*s.* 6*d.* in the pound, for poor-rates. He further remarks, that if this rate in aid passes, he must of necessity cease giving the employment that he had hitherto contrived to give—that he had saddled himself with a debt of 196*l.* a year as rent-charge to the Board of Works, which was equal to an additional rate of 8*s.* 9*d.* per acre on his land for a period of twenty-two years. But some hon. Gentlemen had had the folly to describe the opposition to this Motion as one of a sectarian and religious character, and as an effort on the part of the Protestants of Ulster to exonerate themselves from the liability of assisting to alleviate the destitution and distress in their country; but that could not possibly be the case, because the greater part of the constituencies represented by Members in that House, from the north of Ireland, were Catholics; and therefore it was a most unjust statement, which had been put forward with the view of advancing some prejudice in favour of those objections among the uneducated masses in Ireland. Hon. Gentlemen should also bear in mind the principle on which the rate in aid was to be levied as a tax. It was to be levied on a valuation which was not uniform—not uniform even in any one union throughout Ireland, and the practical effect of that would be, that whilst the more comfortable classes in some districts would not practically pay 2*d.* in the pound, others would be paying

6*d.* in the pound; because every hon. Gentleman at all acquainted with the principles on which the poor-law valuation was carried out in Ireland, must know perfectly well that a sixpenny rate in aid might be a sixpenny rate in aid in one district, but would not amount to 3*d.* or 4*d.* in other districts better circumstanced and better able to bear any additional impost at this moment. The noble Lord at the head of the Government, contrasted the very small amount of the poor-rates in the fair and prosperous localities of Ireland with the poor-rates levied in some of the worst localities in England. He (Mr. Sadleir) did not think that was a fair comparison, because in many of those districts the poor-law had been kept down by the resident proprietors in those districts. The principle of remitting the arrears of poor-rates was similar to remitting arrears of rent in cases of estates in Ireland administered under the Court of Chancery, and equally mischievous. One of the effects of this measure, if passed, would be to give a stimulus to the most destructive and exhausting system of emigration in the country. It was idle to conceal the fact that a more exhausting process could not be permitted to continue than that species of emigration which was now increasing. The proposition was delusive with reference to the people of Ireland, and also the English people and their representatives. If the Government would frankly and fairly place before the House a statement with respect to the social condition of Ireland, it would only then require a simple calculation of figures to prove that nothing could be more delusive than that any sum which it was possible to levy under the rate in aid would be sufficient to check the awful and unnatural mortality which was taking place daily in Leinster and Munster. Numbers were dying from starvation in the most fertile districts of those provinces, and he defied the Government to contradict the fact. In consequence of the failure of the potato crop, the diet of the people had been changed; but it had not been changed from potatoes to corn, but from potatoes to turnips. He himself was acquainted with the cases of farmers who held from twenty to twenty-two acres of land, and who were obliged to restrict themselves to turnip diet, and who had died in consequence. Now, he believed it took about six or eight weeks on a turnip diet to kill an able-bodied man; and he knew that many died from dysentery superinduced by turnip diet. Unfortunately, then, the period had not yet arrived when the peasantry of Ireland were to be blessed with a corn diet. The noble Lord represented the Government project as a cure for an acute evil. That acute evil must be the process of starvation; and he utterly denied that the sum of 300,000*l.*, which was the highest estimate he had heard, of the product of the rate in aid, could be conceived as adequate to arrest that starvation. It was the duty of the noble Lord to declare fairly to the people of England that the rate would not be efficient for its purpose. The argument in favour of the proposition, grounded on the principle of vicinage, could not be maintained; for there was more communication, for example, between Connaught and Lancashire, than between Connaught and Ulster. When the hon. Member for Manchester laboured to make out that the rate in aid ought not to be extended to Manchester, or Stockport, or Glasgow, he should have remembered that Manchester had never protested against using the labour of Ireland when it stood in need of it. The people of Manchester should recollect, that when it had been necessary to uphold the power, supremacy, and honour of England, these paltry distinctions had never been taken. Everywhere had the prowess and bravery of Ireland been conspicuous in defending the commerce and manufactures of England, and maintaining the glory of the empire. It was said, that some districts in Ireland had repudiated a portion of their liabilities to the imperial exchequer — that the non-payment of the instalments due for the erection of union houses evidenced the repudiation of the debt. No case had been made out to justify that assertion, and he denied that any districts in Ireland had repudiated the debt. He had read the correspondence on this subject, and found that an appeal had been made by the guardians in certain instances for time, and that that appeal had been unheeded. They were told that their resources were not yet exhausted, and that their request could not be complied with. Not so were appeals of the kind treated in England. When the tenant farmers in Kent applied for a little indulgence in reference to their hop-duty, they were not told that their resources were unexhausted, and that they must pay; but the Chancellor of the Exchequer—and very properly—gave them that extension of time for payment of the duty which circumstances entitled them to expect. But the appeal of the poor-law guardians in Ireland for a short breathing space, till the next harvest, to pay up their instalments, was met by the stern response —"Your resources are not utterly exhausted, and your request cannot be listened to." But the right hon. Baronet the Member for Tamworth, who seemed perfectly alive to the difficulties with which all classes in Ireland had to contend—who seemed disposed not to shrink from the responsibility attaching to the people of this country in regard to Ireland—and who seemed anxious that the worst should be known, that the worst features of Irish society should not be concealed—he said he could wish to see great exertions made by Ireland to alleviate the destitution of her suffering people; and that if he was satisfied she had done so, he would then be willing to entertain any proposition calculated to cope with the great difficulties and dangers which imperilled society in that country. If the right hon. Baronet had visited Ireland so recently as he (Mr. Sadleir) had done—if he had entered the cabin of the tenant farmer, the home of the Catholic priest, the abode of the Protestant clergyman, the dwelling of the local landlord—if he had cast an eye upon the condition of the insolvent broken-down trader, and seen the enormous sacrifices that had been made of every kind of property in order to raise voluntary contributions wherewith to allay the cravings of hunger in the land, then the right hon. Gentleman would acknowledge that exertions had indeed been made in Ireland—exertions such as the history of nations could scarce present an analogy—exertions honourable to the people of Ireland, and which had contributed vastly more than any of the grants from the Treasury to the preservation of human life. The plan of emigration proposed by the Government could never be carried out with satisfaction. The surplus agricultural population of Ireland was about 2,000,000; but they were persons who were unfit, so far as physical power was concerned, to be sent to our colonies. If other measures for giving relief, and measures of a remedial character with regard to the general condition of Ireland, were not speedily adopted, he saw no other result from the policy of the Government than the process of absorption—the absorption of the grave—to diminish the number of the labouring but unemployed classes in Ireland. The question was, what was to be done with that surplus? By what measure, or series of measures, did the noble Lord propose to grapple with that difficulty of population? To persist in the policy of compelling the industrious and solvent minority to maintain the helpless inertion of the unemployed masses, was an absurdity. Those who desired a diminution of the area of taxation had been most unfairly censured as the advocates of a system which would sanction and encourage extermination; but he had arrived at the conviction that no system could be more productive or stimulative of extermination than the extended area at present existing. The diminution of that area, accompanied with a good law of settlement, would be the best course. What could be more delusive than the prospect held out for Ireland in the speech of the First Minister of the Crown, that all that disease and all that destitution would disappear with the next potato crop; or if they continued to prevail this year as they did in the last, that then the surplus population would disappear, and with it the social difficulties of Ireland? It was a mockery thus to deal in loose speculations with the fearful condition of that country, where everything betokened the crisis of change. The potato itself, once valuable for feeding pigs, was now superseded in its purpose by the importation to the western shores of Ireland of fresh pork from America. Merchants, commission agents, and salesmen had combined, and placed their agents in different quarters, on both sides of the Atlantic, the better to facilitate a trade, which was thus depriving a large class of the Irish tenantry of one chief means of subsistence. Their difficulties would, therefore, be increased, with no prospect before them of alleviation. Yet when anything was said in the House touching the relation of landlord and tenant, the answer immediately was—"Well, gentlemen, why don't you meet together, and settle it between yourselves? It's all a question of rent, and cannot be at all affected by any measure of free trade. It's a question of rent only. Why, then, don't you settle it among yourselves?" He differed entirely from those hon. Gentlemen who spoke in that way, and he did so just because the relation of landlord and tenant differed in Ireland from that existing in England. In England, among landlords and tenants, besides that moral feeling which was itself a law to moderate the mutual proceedings of the two classes, there was capital and there was skill, both requisite for the proper culture of the soil, and requisite also to sustain the farmer. But in Ireland if a tenant should go to the mansion of the middleman, or to the house of the incumbered proprietor, and appeal to him for a reduction of his rent, to enable him to meet the difficulties of last year, such an appeal, for a reduction of 20 per cent, or even of 10 per cent, considering the present condition of landlords in that country, would amount to a sentence of expatriation; it would be a virtual intimation that he must abandon his position as a landlord in that country. The position of the landed proprietors there was such, their difficulties so great and increasing, with their estates daily swelling the catalogue of those that have been drawn within the meshes of the Court of Chancery, that they were unable, at that moment, to support the burden of additional taxation. In a letter which he had received from Mr. Wood, of Borris-in-Ossory—a most respectable man, whose extensive knowledge of the neighbourhood enabled him to speak with truth of the estates in the neighbourhood of Borris-in-Ossory and of Donoughmore—it was stated that there were 3,000 acres of land there lying perfectly waste; that the land which was entirely without either hoof or horn on it, meaning thereby cattle and horses, could not be less than 6,000 acres; and the occupants on 4,000 acres more, if they should be called upon to pay the poor-rate, could pay it only by selling the farm horse, or the single cow, by which the tillage of the farm and the food of the family were provided. He said he had made his quotations and urged those facts concerning the present destitution of Ireland to show, first, that Her Majesty's Ministers ought not to impose any rate in aid on a class already impoverished; and secondly, for the purpose of laying before the House the facts that justified him in declaring, that to impose an income-tax on Ireland at present, considering the circumstances of the classes on whom it would fall, would be most unjust and unwise: unwise in regard to the interests of the empire, because it must be seen that anything unfair, pressing unduly upon any one class in Ireland, would recoil upon all classes in England; and unjust to increase the difficulties of men almost unable to struggle with those they were now endeavouring to overcome. He was, therefore, opposed to a rate in aid; and he was opposed to an income tax being laid upon any class or profession in Ireland. He was opposed to both, because the state of all classes in Ireland was such as to render them wholly unable to sustain any increase of their burdens. With a failure in the staple produce of the country, with disease and destitution on the increase, what, he asked, was there in that country to make it wise, or politic, or constitutional, to impose any new tax on any of the classes in that country? He knew the condition of the people there well; he knew what had led to the increasing poverty which now existed; and he said that any new impost would drive their professional men into insolvency, and their commercial men into bankruptcy. These were facts which could not be controverted; and the noble Lord, with sources of information not open to a private Member, knew that they were well-authenticated facts; and he therefore felt called on to declare, that any rate in aid could not be wisely imposed—that it was most impolitic as a measure, and most inadequate as a means of relief for the destitution of Ireland, whilst it would press with undue severity on certain classes of the community. He said he had received a letter from Mr. Purdy, a mining agent in Kilkenny, in which it was stated that whereas 160,000 barrels of coals had been sold at his mine in the year 1845, the sales of last year were only 24,000; and this great falling-off was attributed to the poverty, apathy, and despair of the small farmers, who, instead of burning their lime with culm and small coal, and so preparing their land for wheat crops, were merely ploughing up the lea land, evidently with the intention of removing in the autumn. The writer of another letter from Queen's county, stated that a poor-rate collector, whom he was about to employ in gathering up debts, described his duties in his usual capacity as being unfit for a Christian, for he was bound to carry out the law in every case, without mercy, and that often under the most heartrending circumstances. The writer having named certain of his tenants as persons to whom he was inclined to give money if they would give up their holdings, was answered by the same poor-rate collector, who said—"Do not trouble yourself, Sir; they are dying by inches, and in a few months they will not trouble you." He considered the proposition of the Government, in presence of these great difficulties, to be absurd trifling; certainly nothing better than a postponement of the difficulty with which Ministers ought to grapple. Yet Ministers knew well what the condition of Ireland was, and he wished that England and that the House might have the benefit of their knowledge, that a fair representation of that state might be made to the House and to the country, and that after such a statement by the First Minister of the Crown a measure adapted to Ireland might be proposed; and if the House should refuse it, if the House proposed instead any such measure as that about to be brought in, that the representatives should be sent back to their constituents, as supporters of a system which was tantamount to sentence of death upon their fellow-subjects. It had long been the custom, however, to hold up the people of Ireland to the scorn and indignation of this country, as a people that were lawless and disloyal. Yet, what people had exhibited greater patience under suffering, and what nation had been more submissive under her accumulated evils —embittered by the sense of neglect on the part of the Imperial Legislature? He asked why it was that the noble Lord had never adopted some machinery, such as existed in England, for ascertaining the nature and the statistics of the disease and mortality prevalent in Ireland? He would have the Government introduce such machinery into that country as would put the House into possession of a most thoroughly statistical knowledge of it; he would have returns, not merely of the cattle, the poultry, and the pigs, that were in Ireland; but in order that their knowledge might be most comprehensive as as to the state of the country, he would have them avail themselves of the assistance of the clergy of Ireland, the sheriffs, the coroners, and the police of Ireland, whereby the House would be no longer left in ignorance of the great and disgraceful mortality prevailing in that country. He had no intention to trouble the House further with any remarks on the destitution of the country; he had adduced so many details to show why it was that he opposed the Government scheme, and also the Amendment of his hon. Friend the Member for Kerry — the rate in aid, and the income tax. The Government rested upon the rate in aid as the most just tax that could be imposed upon Ireland. It was a delusive and an aggressive impost, and calculated to be injurious to that Union which so many of them had struggled to maintain. The Chancellor of the Exchequer said last year that he did not see why a professional person or merchant in Ireland, making 4,000*l.* a year, should not pay an income tax. Now, he said there were not more than six members of the Irish bar making 3,000*l.* a-year, and the majority of them were barely able to meet their current expenses; as to merchants in Ireland, it would be difficult to discover amongst them those making 4,000*l.* a year. The Chancellor of the Exchequer admitted the landed interest paid 2,000,000*l.* in poor-rates, and to this was to be added another million paid by the tenant class for county cess, for which very little advantage was gained. As regarded the income tax, it had already been stated, as the opinion of Her Majesty's Ministers in that House, that it should not extend to Ireland. On that point he would trouble the House with an extract from the speech of the Chancellor of the Exchequer, on the 17th of March, 1848, when a Motion was made for extending the income tax to Ireland. The right hon. Gentleman said * —

"He should commence by stating, that he should resist this Motion; and he would then state the reasons which, in his opinion, rendered it inexpedient that the operation of the income tax should at the present time be extended to Ireland. His hon. Friend had asked him one or two questions on this subject; the first one being whether he conceived it just that the income tax should not be imposed in Ireland as well as in this country? Upon the strict principle of justice, he could not deny that the tax ought to be equally imposed in both countries, and that a landed proprietor or a merchant, or professional man in Ireland, receiving 3,000*l.* or 4,000*l.* per year, should, upon the strict principle of justice, pay the same proportion of tax upon that income as a person receiving the same amount in England. It was however very different when, laying aside the strict principle, the question of the benefit to be derived from the extension of this tax to Ireland came to be argued; and the House had to consider whether it were at this particular time expedient or wise to impose the same taxes on both countries. It never had been thought—as was well known to the House—indispensably necessary that identically the same taxes should be imposed on England and Ireland. There was no reason, in point of justice, why spirits in Ireland and Scotland should not pay the same amount of duty as in England; but when the Government made the attempt practically to carry out that principle, they found it perfectly impossible to exact the same amount of duty on Scotch and Irish spirits as on English. The experiment had been tried more than once, and had been found impracticable. An additional shilling duty had been imposed on Irish spirits in 1842; but in a very short time the increase was found to produce no additional revenue. This would show that it was impossible to have precisely and identically the same taxes in both countries. The grounds on which he thought it inexpedient that the income-tax should be imposed on Ireland as well as on this country were precisely the same as those stated on a former occasion by his noble Friend. His noble Friend stated that after they had for four or five years abstained from imposing an income tax on Ireland, and that, too, when she was in reasonably prosperous circumstances, it would be hardly justifiable to impose, for the first time, an income tax when she was suffering so fearfully under calamities of no ordinary nature. Everybody in that House knew the dreadful distress under which that country had so lately laboured, and from the effects of which she still suffered; and everybody knew that the greatest exertions were being made to obviate those evils as much as possible. * * * He thought it would discourage and check these exertions, on which the welfare of the country so much depended, if an additional burden was imposed upon them at the present moment. He thought, even if they went no further than the experience of last year, they must be convinced that the interests of the two countries were permanently bound up together, and it was impossible that any evil could fall upon Ireland without also entailing evil upon this country. * * * The Irish proprietors were, he believed, finding employment for their poor to a very considerable extent; and at the present moment, when they were barely recovering from the infliction of the last year, and were exerting themselves to promote the future prosperity of their country by an outlay of money in giving employment, he thought that if they imposed this tax on Ireland, they would discourage those efforts; they would leave the evil of pauperism in Ireland without even the commencement of an effectual remedy; and in the end they themselves would suffer that which the hon. Member for Marylebone had stated as the grievous burden imposed upon the ratepayers of this country by the efforts made for the relief of the Irish pauper immigrants. * * * In the circumstances in which Ireland was at present placed, it would be a hardship to inflict this additional burden upon her; and it would be prejudicial to the interests of the empire at large, because we should discourage that enterprise and improvement from which alone we could hope to see that country placed in a situation to bear those burdens which, he fully admitted, one year with another, she ought to bear."

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* *Vide* Hansard, Vol. xcvii., p. 743.

Such was the language of Ministers last year in regard to Ireland, and it was fearfully applicable still to the same country when any proposition was made to increase her burdens. He wished to see an effort made to relieve her of the difficulties with which she was struggling; and he would suggest that they should confer great and extraordinary powers on a commission authorised to deal with the landed property in Ireland. If they were to use the machinery of a court of equity in dealing with these encumbered estates, the Government would only increase the difficulties with which the people had to contend. A commission ought to be appointed, with power to ascertain all claims upon the estate; to ascertain the statistics and resources of it; to prepare a rent-roll; to draw out the conditions of sale, unaccompanied with expenses, the amount of which usually deterred the purchaser; and to offer a secure Parliamentary title, under which the lands could be held without suspicion of insecurity. That was not a new idea, or any newfangled proposition, for it had long existed in Ireland, and he had himself attended upon a commission vested with these powers, and had seen their proceedings, which were characterised by simplicity and attended with success, being unburdened with expenses, and giving satisfaction and security to those with whom the commission had to deal. He was perfectly sure, if the same process were attempted through the machinery of the Court of Chancery, it would occupy twenty years, and require an expense equal to between thirty and forty per cent upon the income. With these observations he should conclude by repeating his intention to give the proposal of Her Majesty's Government his decided opposition.

Mr. CLEMENTS considered the speech of the hon. Gentleman who had just sat down to be in favour of the Amendment of his hon. Friend the Member for Kerry—for an income tax in preference to a rate in aid. Much had been said as to the great difficulty of levying a new tax in Ireland. But it must be remembered that Ireland was in no ordinary position. Whether rightly or wrongly, the feeling of the representatives of England was against affording any further pecuniary aid to Ireland. It was, at the same time, unquestionable that the distress in the western districts must be relieved. Where, then, must the money come from for that purpose? It was perfectly clear it could only come from Irish resources; and the question now was, not whether Ireland ought or ought not to be taxed, but what tax could be paid with the least inconvenience. It was to this point he intended to address his observations. Everything that had been stated as to the injustice of throwing the rate in aid upon the farming classes, who were least able to bear it, spoke trumpet-tongued in favour of the proposition involved in the Amendment of the hon. Member for Kerry. He expected to have heard from the noble Lord at the head of the Government, and the right hon. Gentleman the Chancellor of the Exchequer, the grounds for their preference of a rate in aid over an income tax; but they had assigned none. In fact, the right hon.

Gentleman the Chancellor of the Exchequer had admitted that very much might be said against the principle of a rate in aid; the fact being that the principle sought to be established by the Amendment would get rid of the very worst features sought to be established by a rate in aid. The noble Lord at the head of the Government had given an assurance that if the Irish Members preferred an income tax to a rate in aid, there would be no objection on the part of the Government to its substitution. But he (Mr. Clements) was sorry to say, that the mode in which the noble Lord had thought it right to propose the substitution had done anything but tend to facilitate a solution of the difficulty in which all parties were at present placed. The collection of a new tax in Ireland would be a matter of extreme difficulty; but the difficulty would be very much diminished if the tax had the support of any tolerable number of the representatives of that country. His hon. Friend the Member for Kerry, upon learning from Her Majesty's Government that they were ready to entertain any proposition for the substitution of an income tax, placed his Amendment upon the Paper; and it was about to be considered by the Irish Members, when the noble Lord, instead of leaving the matter as it stood, called them together, and stated that if the Government were to adopt the income tax as a substitute, they must also propose some additional tax to make up an imaginary deficiency between that and the rate in aid. The Irish Members had not been favoured with the grounds upon which the noble Lord supposed this imaginary deficiency would arise. But taunts were thrown out against Irish Members who preferred an income tax of 7*d.* in the pound to a rate in aid of 6*d.* in the pound. Such a preference was thought to be rather an Irish mode of reducing a burden. But it must be remembered, that to realise a net amount of 6*d.* would require the collection of a rate of not less than 9*d.* in the pound. It was perfectly clear, upon this explanation, that the alleged inconsistency on the part of some Irish Members in preferring an income tax, was illusory. It was unfortunate, however, that the Irish representatives should have been frightened from the position they were inclined to take by the threats so held out to them by the Government, that further taxation would be required. He could not understand upon what ground it was believed that an income tax would not realise so much as a rate in aid. The only reason he could suggest for it was, that as a portion of the income tax paid in England was paid upon income derived from Irish sources, a very great reduction would, on that account, be the consequence. If it were so, he really thought that Ireland ought to have credit for it, and not be told that, on account of an imaginary deficiency, some other tax must be proposed in addition. He entreated hon. Gentlemen from Ireland not to be frightened, by any threat of additional taxation, from considering the question fairly and calmly which was raised by the Amendment. By accepting an income tax they would avoid the adoption of the grating principle of a rate in aid, by which Ireland would be made a separate area of taxation for purposes which belonged to the united empire. Let them also reflect upon the moral effect which a rate in aid would have upon the entire farming class, whose apprehensions, in relation to it, he was at a loss to find adequate expressions to describe. They had struggled through the famine, and the panic which it caused, as well as they could, because they saw their way to better times; but the Government must not measure the comparative distress and poverty of different districts in the country by the amount of the poor-rate. In many districts, where the poor-rate was comparatively low, distress and poverty were excessive; but in these instances the people were resolved to grapple with the difficulty, and to do all they could to keep down the rates. In other districts there were places where distress had not been so great; but the rates had been forced up by almost the whole population throwing themselves upon them. The inference he drew from this state of things was, that everything should be done to avoid placing additional pressure on those who have already made such great exertions, by which alone progress could be made in meeting the existing distress; but let the principle of a rate in aid be adopted, and this class of people would feel the uselessness of any further effort to combat the difficulty. It would, therefore, lead in many localities to a depreciation in the value of land. Believing, then, that a rate in aid was likely to be most disastrous in its consequences, but that Ireland should meet the crisis by submitting to some new tax, he should cordially support the Amendment of his hon. Friend the Member for Kerry.

Mr. RICE should have been content to have given a silent vote in favour of a rate in aid, if the Amendment moved by the hon. Member for Kerry had not, in some sort, made this an English question. England was heavily burdened, and the people felt it was hard that they should be called upon to pay taxes from which a large portion of the empire was entirely exempt. He had already voted in favour of the income tax being extended to Ireland; and for this, among other reasons, it was necessary to state why he intended now to vote for the proposition of Her Majesty's Government. The rate in aid would meet the present exigencies of the case, and save the people from starvation. An income tax would not have that effect. The rate in aid was to be but 6*d*. in the pound, and to last only two years. But Irish Members said they were not sure that it would be limited either in amount or duration. This was an objection which the Government ought at once to set at rest. The rate ought to be limited both in amount and duration; and in Committee upon the Bill he should be prepared to support any proposition for limiting it to 6*d*. in amount, and to one year in time—but, upon this condition, that at the end of the year, when the rate ceased, the income tax should commence. ["Hear, hear!" *and laughter.*] He was glad that his proposition had been received with such good humour; indeed, he was happy to observe that the debate had taken a much better tone than was evinced in the beginning of the discussion, when some hon. Gentlemen were pleased to say—"We in Ulster are Protestants and prosperous; while you in Connaught are Catholics and in distress—become like us, be Protestants, and be prosperous, and then you will need no one to relieve you." Such had been the language used in these debates. This feeling had been changed, however, and he was glad of it. It was most praiseworthy on the part of the hon. Members for Kerry and Leitrim to declare their feeling that they were prepared to support an income tax. The noble Viscount the Member for Down said he wished the tax to have an imperial character; but he must remember it would also have a permanent character, like the income tax of this country. He himself possessed no information with regard to Ireland, but he gave credit to the Government for having some knowledge upon the subject; and he had confidence in the statement of the Chancellor of the Exchequer, that the rate in aid was necessary to save the lives of the people. In such a case, he was not the person who would stand upon small objections. The rate in aid might be objectionable in principle, but the people must not perish from starvation. He was, however, in favour of doing justice to the people of England, by imposing, as far as possible, equal taxation upon the people of Ireland.

Mr. SCULLY was sorry the information of the hon. Gentleman the Member for Dover respecting Ireland, was derived from no other source than Her Majesty's Government. The hon. Gentleman had given no reason whatever why a rate in aid should be supported; and though he said it ought to be limited in duration and amount, he (Mr. Scully) knew enough of the condition of Ireland to be able to assure him it would, if once adopted, be neither one nor the other. It was an absurdity to expect that so small a sum as sixpence in the pound from the solvent districts, could maintain the distressed districts for two years, or even one year. The hon. Gentleman, however, wished both for the rate in aid and the income tax together. Let the Irish Members know the worst at once. Ireland could never support either a rate in aid or an income tax. But there were other sources from which relief could be obtained. He thought that a due proportion of the revenues of the Irish Church ought to be applied to the relief of the Irish poor. The Members of the present Government, when out of office, had pledged themselves to the abolition of that monster grievance, the Irish Church. The present Secretary of the Admiralty had admitted in a debate that took place in that House on the 11th January, 1844, that the Church revenues, from the Union to that time, amounted to 3,339,000*l*.; and eight of the Irish bishops, out of those revenues, had been enabled, in a few years, to make bequests to the amount of near 1,500,000*l*., being an average of 180,750*l*. to each bishop. Now, when it was recollected that one of the objects for which tithes were collected in ancient times was, that a third of them might be appropriated to the relief of the poor, he certainly thought that it was but just to call upon the clergy of the Established Church to contribute to the relief of the distressed people of Ireland. No less than eight millions a year were remitted from Ireland to this country, an account of absentee rents and mortgages, and that sum ought also to be taxed for the relief of the distress which its expenditure in this country, instead of at home, produced. The funded property should also be taxed for the exigencies of the country, and they might also impose a tax on the salaries of public officers. When the Irish Members had been invited to a recent interview with the noble Lord at the head of Her Majesty's Government, he had hoped that some such propositions as these would have been brought forward by the noble Lord, and that they would have heard no more of the rate in aid, or of an income tax. More than enough of time had been already lost in dealing with the great evils of Ireland. From all parts of that country the people cried out for the adoption of a more energetic policy. It was melancholy to witness the despair which pervaded every class at the present moment, at the almost total neglect with which Irish interests were treated by the Government. He had only to add, that if they were about to separate the two countries in matters of taxation, why would they not repeal the Act of Union at once? What Ireland required was a more energetic policy to be pursued by her rulers, in whom she had almost lost confidence. Ireland had waited too long for those great and comprehensive measures which had been so frequently promised to her, and he besought the Legislature, notwithstanding Ireland's present prostrate condition, to take care that she did not, like America, release herself from the grinding oppression of Great Britain.

Colonel DUNNE said, that the right hon. Gentleman the Chancellor of the Exchequer was no doubt surprised to see Irish Members rushing forward with propositions for the imposition of an income tax, and the other unknown taxes that had been hinted at, in a time of such unexampled distress. For his part, he objected as much to an income tax as to the rate in aid, on the ground that both were alike inconsistent with the provisions of the Act of Union. He appreciated fully the motives of his two hon. Friends by whom the proposition of an income tax for Ireland had been brought forward. They had done so because they thought that some tax ought to be at once imposed to meet the destitution of the country, and because the House of Commons would not allow any portion of the tax to be drawn from England. But this consideration could not make him give up the great argument to be derived from the express provisions of the Act of Union. But he did not want the people to starve; and if he could receive any assurance from the Government that they would grant a Committee to inquire into the relative taxation of the two countries, with a view to its equitable adjustment, he would vote for any tax that it might be thought necessary in the interim to propose. Unless he got some such assurance, he could not consent to vote either for the Amendment of his hon. Friend the Member for Kerry, or for the rate in aid. The right hon. Baronet the Member for Tamworth stated, in bringing forward his proposition for an income tax in England, that he intended the increase in the stamp duties, which he proposed for Ireland at the same time, and also the increase in the spirit duties, to be an equivalent for the income tax. The increased duty on spirits failed in consequence of the inability of Ireland to bear it; but the Irish spirit distillers were again sacrificed last year when it was thought desirable to confer a boon on the West India interests. [The hon. and gallant Gentleman read an extract from the speech of Sir R. Peel on the occasion alluded to, in order to show the view which the right hon. Baronet then entertained on the subject of increased taxation in Ireland, and then continued.] Mr. Sergeant Murphy, who at that time represented an Irish constituency, stated on the same occasion, "The great want of Ireland was admittedly the scarcity of capital; but by laying a tax on the proprietors you diminish the capital, already too small, for the employment of labour." The hon. Member for Louth, now a Member of the Government, also expressed himself on the same occasion as being strongly opposed to the extension of the income tax to Ireland. The hon. Member for Buckinghamshire had been rather severe in his speech, on the preceding night, on the noble Lord at the head of the Government, for convening what the hon. Member had called an unconstitutional meeting of the Irish Members; but if that charge were well founded, the Irish Members on both sides of the House had also acted unconstitutionally in obeying the noble Lord's invitation; but he was quite ready to bear his part of the blame. But at that meeting the noble Lord had given them only the classical choice of selecting between the dagger and the bowl. He had left them to choose between two most unpalatable taxes, the rate in aid and the income tax; but he (Colonel Dunne) would object to do so, for one, unless a promise were held out that a Committee would be appointed to readjust the taxation between the two countries; and if that course were acceded to, he would, as he had before stated, support any additional taxation for Ireland that would be found just or necessary. His hon. Friend the Member for Kerry had described the rate in aid as an unusual proceeding, but it was in perfect accordance with the policy of Government towards Ireland, since the first introduction of the poor-law. Originally, the poor-law was passed contrary to the opinions of all those best acquainted with the condition of Ireland, including the late Mr. O'Connell. Since then, outdoor relief had also been extended to Ireland, contrary to the opinions of every one connected with the country; and now the rate in aid was introduced against the views and judgment of the Irish people. It was greatly to the credit of Mr. Twisleton, an Englishman, that he had resigned his situation rather than be a party to carrying so unjust and impolitic a measure into effect. The Labour-rate Act was another instance of the opinions of Irishmen being set at nought by the Government. There could be no doubt but that the poor-law had added materially to the embarrassments of Ireland. The repeal of the corn laws had also done them great injury, which was only now beginning to be felt. There could be no doubt but that the repeal of the corn laws would cause a difference of six-and-a-half millions in the value of Irish produce; and of this, at least one-third might be regarded as total loss to the country. He believed that the whole loss to Ireland by the failure of the potato crop was no less than 42,000,000*l.* The Earl of Fitzwilliam had calculated that loss, in his admirable letter, to be 32,000,000*l.*; but all those who were best able to form an opinion on the matter, concurred in thinking that the noble Earl had much understated the amount. Was this, then, a time for imposing an additional tax upon the country? He could not conceive how his hon. Friends the Members for Kerry and Longford, or their supporters, could at such a moment vote for any additional tax upon Ireland. But at the same time, if it appeared upon inquiry that Ireland did not bear her due proportion of the taxation of the empire, he believed there was no Irish Member who would object to the imposition of any additional taxation that might be proposed. The revenue at present collected in Ireland was, he believed, 4,500,000*l.*; but for domestic purposes no such amount of taxation was required. The military establishment in Ireland would for the present year probably not be less than 2,500,000*l.*; but in a country yielding a gross revenue of only four millions and a half, and where the greater portion of the population was obedient and peaceable, no such force ought to be required. But the fact was, that vast military force was necessary for a purpose for which he would always wish to see it maintained—for the protection of the commerce of the empire; but of that commerce Ireland, unfortunatly, possessed only a very small share. In 1790, the exports of Ireland were 368,804*l.*; while in 1846 they were under a million. A great deal of the Irish customs duties were collected in England, and went to the credit of this country; and the amount of which Ireland was thus deprived, had been calculated by the hon. and learned Member for Limerick at 500,000*l.* Whatever the precise sum might be, the amount ought to be allowed to the credit of Ireland. He had a great objection to the poor-law—an objection which would never be removed unless there was a radical change in its administration. It had been proved that no less than 200,000*l.* had been spent in distributing to the poor the sum of 500,000*l.* While such a system continued, how on earth could parishes maintain themselves? It was plain that the rate in aid must be eternal. Much had been said about the advantage which would result to the peasantry in the west of Ireland from a change in food; but he thought it was worthy the consideration of the House whether a cereal food would really be better than a potato food. He believed it would be impossible to support the population now existing on the west coast of Ireland on any other food than that of the potato, because the bleak winds that blew across the Atlantic would prevent the growth of any other crop. With regard to the other improvement which had been suggested in the scheme of the right hon. Baronet the Member for Tamworth—the giving of titles to land—he would remind the House that that was no new thing in Ireland; it had been attempted in the time of Elizabeth, of James, and of Cromwell; and he had no reason to think that any scheme attempted now would be more successful than those that went before.

MR. BANKES wished, in a few words, to give his reasons why he could not vote for the grant proposed by the noble Lord at the head of the Government. It was with great pain that he had come to that conclusion, because, though he was willing to vote for the Amendment of his hon. Friend the Member for Kerry, yet after what had passed, he could not contemplate the probability of that proposition being adopted. It was now said by the noble Lord that if the Amendment should be carried, he would consider it his duty to make additions to that Amendment; he had not thought fit to state to what extent—but that he would fix upon Ireland some additional taxation. It would, therefore, be idle to expect the support of the Irish Members to a proposition standing in that predicament. But the reason why he troubled the House on this occasion, rather than content himself with giving a silent vote, was, that he was not one of those who were prepared to sit still and see the Irish people starving, without any prospect of relief from the House of Commons. Nor did he anticipate that such would be the case. Either the Government would have such a majority as to carry this measure, which he did not approve of, and of which he could not share the responsibility, or the Government would fall into other hands, and then there would be hope for relief for the Irish under other circumstances. At the present moment he would have great reluctance to see the income tax fixed upon Ireland. It was true that when the income tax was last fixed upon Great Britain for the space of three years, he did consent to the proposition of the hon. Member for Montrose, that it should also be extended to Ireland. But even at that time he declared that he was willing to exempt them so long as the famine existed. He shared, indeed, the belief of the noble Lord and of the House, that this severe visitation would not last for more than one year; but he was willing, so long as the visitation lasted, that they should be exempted. It would, therefore, give him great pain to vote for the imposition of the income tax upon Ireland at the present moment, when he was told by the Irish Members that, instead of the condition of the country having improved, it had deteriorated, not only from those causes over which man had no control, but also from those causes to which the hon. and gallant Member for Portarlington had alluded, by which man had aggravated the disaster, from those unhappy changes in the law which had fallen with still greater severity upon Ireland than upon the country to which he (Mr. Bankes) belonged. He held, then, that this was not the time to add anything to the taxation of Ireland; and he thought that the Government should have waved for the present those economic principles which alone stood in the way of an arrangement, and furnished money to Ireland without any new taxation of that country. [Lord J. Russell: You opposed that.] He was not aware that anything of the nature to which he was about to refer had ever been opposed by his side of the House. If it had pleased the noble Lord to continue for one more year the import duties which expired on the 1st of February last, he would have had a revenue which produced last year the sum of 900,000*l.*—a sum fully adequate to remedy the distress in Ireland; and not only so, but which would also remedy, in some degree, the evil to which the hon. and gallant Member for Portarlington alluded. It would have been no great sacrifice if the noble Lord had waved for that portion of time any promise— He knew the noble Lord would never wave any promise he had made; but his supporters should have waved for a time their claim upon him for the fulfilment of that rash pledge, which, contrary to his own judgment, he gave against the imposition of a fixed duty on corn. But there was another source of revenue, with regard to which the noble Lord was under no special pledge—a remedy of which he might have immediately availed himself, and which would have been quite sufficient to meet the exigency. Why not, for a limited time, have doubled the rate of postage? He admitted at once, that if they doubled the rate, that would not double the produce, and that if they raised a million and a half by a penny rate, they would not, by doubling the rate, obtain 3,000,000*l.* But then they might obtain 200,000*l.* or 300,000*l.* more than at present, which was all that was required from them. If nothing but economic principles stood in the way of a proper arrangement, he asked the economic Members in the House, had he not a right to call upon them to wave for a time their principles of economy, as much as they had a right to call upon him for money which his constituents, he knew, were not able to pay? For, as to the question of repayment, whether by the mode of a rate in aid or an income tax, they were all aware that repayment stood at a very distant day, if it ever came at all. He complained of the predicament in which the men in power placed him while in opposition. While in opposition they taunted the Government of the day with having contributed to disunite the people of the two countries through gross mismanagement and evil legislation. And what were they doing now? They sought to make England the creditor, while Ireland was to be the poor ruined debtor—they gave the

English the right to seize, for non-payment of the debt, the stock and crops of the inhabitants of Ireland; and this was the situation in which they placed those whom they had before told to live on terms of friendly brotherhood. He could not think of consenting to advance money on the security of the rate in aid, denounced as it had been almost universally by the representatives of Ireland. Under these circumstances, if the noble Lord persisted in this scheme, it would be the duty of the English Members to stand in the apparently odious situation of refusing the money which others needed; but he begged for himself and others that it should be understood that they refused, because it was not asked for, as it might have been asked for, in a way which would have enabled them to give it not only readily but cheerfully. The consideration of this measure had given rise to a large scheme for the benefit of Ireland, which, however, he regretted to see brought forward at the present time, when it was impossible to discuss it fairly. The question now before them was, could they grant the money on the terms which the Government had proposed? He said no; and therefore he would give his assent to the Amendment, though he feared it would not be successful.

Sir L. O'BRIEN said, no one could possibly know the condition and sufferings of Ireland better than the noble Lord; and no one could accuse the noble Lord of wishing to see the people of Ireland suffering from destitution and disease. The noble Lord was placed in a painful position. He was bound to come and ask for money, but with the knowledge that the House would give no more grants of money. The responsibility of saving life was forced on the Irish Members, and he, for one, was willing to take his share; but he could not consent that it should be in the shape of a rate in aid. He had examined the question of a rate in aid in all its bearings, and he had found that it would produce nothing but detrimental effects—that it would paralyse industry, and would press with undue severity on those parts of Ireland which were sustaining themselves best under the burden of the poor-laws. He had not left out of the question the fact that the sufferings which afflicted the west of Ireland extended even to the most flourishing portions of Ireland. The labouring population of Ulster lived chiefly on the potato, and they had suffered nearly as much from the failure of the crop as the people of Connaught. Besides, it ought not to be forgotten the extent to which Ireland had contributed this year towards the support of its poor. He did say, considering the exertions which the Irish people had made, and the great distress which prevailed, that the same spirit of generosity ought to pervade the House now as did in former years. The sum contributed by the Irish under the operation of the new tax amounted to 2,000,000*l.* on a valuation of 13,000,000*l.* It should also be recollected, that, in addition to the failure of the potato crop, the other vegetable crops suffered to a great extent. In the present year, the green crops were nearly as great a failure as in the previous year, and the turnip crop was very defective. He had heard the hon. Member for Montrose say the other night that he wished to throw on the representatives of Ireland the responsibility of preserving the lives of the starving Irish people. He would not adopt a similar tone in his reply. He would merely ask, was the hon. Member for Montrose prepared to cast off the principle of brotherhood? The Irish people were as much the brothers of the English and Scotch people as the people of Munster were the brethren of the people of Ulster. No English Gentleman belonging to Somersetshire would refuse to contribute towards the relief of destitution in Middlesex, merely because he lived 150 miles off. He was called upon to contribute towards the relief of the people of Mayo; and he could no more refuse than the gentleman of Somersetshire, because he lived 150 miles off. He hoped hon. Members would cast aside the language and the feelings which had hitherto pervaded this debate. The feeling was a vicious feeling, and only produced irritation. With reference to the difficulties of Ireland, he would state what had come under his own personal knowledge. In two unions on his estate, three rates of *5s.*, *3s. 4d.*, and *3s. 4d.*, amounting to 11*s.* 8*d.* had been levied within twelve months. He spoke of the union of Ennistymon. The consequence of these heavy rates was, that the ratepayers found themselves in an embarrassed condition, and it was at this period that Government proposed to throw on them the additional burden of a rate in aid. As far as he was concerned, he was willing to lose all he had rather than see the poor die of want. He could not, however, help referring to the poor-laws, and to some of those portions of them which were so iniquitous and oppressive, that if the noble Lord and the right hon. Gentleman the Secretary for Ireland would not bring in a Bill forthwith to remedy the evil, they ought to be driven from their places as being unworthy to occupy them. He was certain the English people would never bear the iniquities of the Irish poor-law. Take, for instance, the tenements valued under 4*l.* yearly. The landlords could get no rent from the occupiers, and yet some were called upon to contribute as much as 500*l.* towards the poor-rates. He would vote against the proposition of his hon. Friend the Member for Kerry for an income tax now. He would, however, give the question his best consideration; and if he found the measure brought forward with all the responsibility of the Crown at a fitting time, he might not be indisposed to give it his support. But at this particular moment he would oppose both rate in aid and income tax. The great object that was required to be attained was the restoration of confidence. At the present moment all were equally without confidence, landlord, tenant, and banker. Confidence was the parent of all improvement, and without confidence improvement could not take place. Talk of sending capital to Ireland! why Ireland did not want their capital—she had capital enough of her own. Give Ireland confidence, and farmer, banker, and trader would get a fair return for their outlay. There would be no deficiency of capital experienced if there were but confidence. The plan of the right hon. Baronet the Member for Tamworth was intended to promote the restoration of confidence. If it did this, it would do good; but if it tended to shake confidence, then it would only be productive of additional evil. He thought it necessary to throw out these hints to the right hon. Baronet, whose great experience in public matters would enable him to consider them. Last year he had opposed the Bill for the sale of encumbered estates, not on its general provisions, but because some portions of the measure seemed to trespass against the rights of the people.

MR. M'CULLAGH said, he had been much struck by an observation that had fallen from the hon. Member for Dorsetshire with reference to the propositions of the right hon. Baronet the Member for Tamworth, which had deservedly engaged so much of the attention of the House and the country. The hon. Member for Dorsetshire seemed rather inclined to deprecate those suggestions, and to think that the House had been too precipitate in judging favourably of them. Now, of all persons he thought that the hon. Gentleman ought to have been the last to make such a complaint, because, if his memory did not very much deceive him, he (Mr. Bankes) was foremost in making a personal appeal, as eloquent as it was touching, and complimentary to the genius and experience of the right hon. Baronet, to come forward and help Her Majesty's Government out of their embarrassments, and the country out of its difficulties. Yet now, when the oracle had spoken, and the plan had been developed, the hon. Gentleman began to repent. He could neither endure the silence of the right hon. Baronet nor his speech. He was as little contented with the counsel he gave in opposition as he had been with his guidance as ministerial chief of a once united party; and the words of the old epigrammatist might have appropriately risen to the hon. Gentleman's lips:—

> "Difficilis, facilis, jucundus, acerbus es idem;
> Nec tecum possum vivere, nec sine te."

The hon. Member for Cockermouth had made a still more extraordinary speech. He had undertaken to inform the right hon. Baronet the Member for Tamworth what he conceived to have been omissions in his plan; and he had also undertaken to suggest various alterations in the plan itself, which he assured the House were indispensable to its success. But it might be safely averred that no two things ever presented a more remarkable contrast than the right hon. Baronet's statement, and the hon. Member's commentary. Though some hon. Members might not be satisfied with the plan as propounded, yet he was sure that no man of good taste or sound judgment could have differed from the vast majority of the public who recognised in the speech of the right hon. Baronet that befitting circumspection, caution, and, he would say, that humility of wisdom, which was one of the most natural results and one of the best accompaniments of great experience, long habits of responsibility, and that power of grasping details and principles, which the House cheerfully accorded to the right hon. Member for Tamworth. But the House had observed as great a profusion of over-confidence on the one side, as there had been singular diffidence on the other. There was hardly anybody who had not been lectured. As for Ministers, they were pronounced as incapable and ignorant, as their measures were miserable and mean. But the laudation appeared to be as undiscriminating as the censure; and there was one item of praise somewhat strangely awarded, which the susceptible mind of the right hon. Baronet must have peculiarly relished. The hon. Member for Cockermouth had told them that already the plan had broken bargains and destroyed contracts, and, in fact, that the right hon. Baronet, notwithstanding his caution, had been unintentionally rigging the land market, and thereby defeating the very object which he had in view. With respect to the speech of the hon. Baronet the Member for Clare, he (Mr. M'Cullagh) would not say much. He was sorry at hearing the tone of it; but he estimated that hon. Baronet's sincerity and many estimable qualities too highly to seek for grounds of cavil in what had fallen from him. And he would frankly own that in his opinion the Irish Members were not in a position just then to be over critical towards each other. But other topics had been introduced during the course of the debate which he could not allow to pass unnoticed. The hon. Member for Cockermouth, by citing particular portions of the evidence given before the Poor Law Committee, had challenged in a certain sense the expression of opinion upon the substance of that evidence. From many of the sentiments which had been thus quoted, he (Mr. M'Cullagh) felt constrained to record his entire dissent; but he should endeavour to do so, in terms as respectful as possible to the witness whose testimony had been more especially relied on, for whom personally he entertained a high esteem—he alluded to Mr. Twisleton. Doubtless, there were few persons in either country who were so competent to judge of the practicability of the rate in aid, and its effect on the poor-law system, as Mr. Twisleton; and had he, when giving his opinion on these subjects, confined himself to the reasons on which it was based, he (Mr. M'Cullagh), for one, should perhaps have hesitated as to the vote he ought to give. That gentleman had surrendered his office in Ireland sooner than be a party to the administration of the rate; and if it were possible to add anything to the weight of his testimony, such an act was calculated to do so. But, on reading his evidence, he (Mr. M'Cullagh) felt surprised and disappointed at the reasons he had assigned. When asked whether it was on account of the administrative difficulties which he anticipated in carrying out the provisions of the Bill he had thrown up his office, he promptly and frankly answered, that he resigned because he feared the effect of the measure in Ireland, with reference to the stability of the Union; and he stated that he could not be a party to administering a law by which such a result might be caused. Now, with submission, he (Mr. M'Cullagh) did not hesitate to say, though he was the junior and least competent of the Irish Members in the House, that he was as competent to form a correct opinion upon this point as Mr. Twisleton. The latter had spent his time in Ireland in a public office, where he had discharged his duty with indefatigable zeal; but surely that was not the place best suited to the formation of a judgment as to how a measure like the present would operate upon the feelings of the Irish people. He conceived Mr. Twisleton to be as much mistaken as to what its effect would be on the people, as he was in error in assigning such a reason as the chief one for his resignation. He did not find that the measure was regarded in Ireland in the same manner as it was looked upon by hon. Gentlemen on the opposite side of the House. The matter about which they were contending affected the lives or deaths of thousands; and he did not believe that the sentiments expressed by the representatives of Ulster—sentiments shared in by Mr. Twisleton and others, were so general as was supposed. Had petitions emanated from any great public meeting held south of the Boyne? Where were the petitions of the great cities, with the exception of Belfast, against a rate in aid? He believed that the corporations of Dublin and Limerick had petitioned in its favour. But there was an index of opinion in Ireland still more important than the votes of corporations or grand juries—he meant, the voice and influence of the teachers of the great body of the people; and he begged to remind the House that the Catholic clergy had said that sooner than risk life or combine with those who preferred the imposition of an income tax, they would call for the rate in aid. This was a most important fact. But Mr. Twisleton had given evidence yet more important, and from which he differed quite as strongly. When asked what would restore industrial life in the western parts of Ireland, he stated that his chief hope lay at present in the revival of the potato crop, and that in case that crop should fail once more, he thought supplies must come from the sources whence they had hitherto been drawn. He (Mr. M'Cullagh) dissented from both the one and the other of these opinions. He could conceive no advice more fatal than to tell the people of Ireland to depend on that crop, which, though it had long kept them in existence, had been the greatest traitor to their social safety, prosperity, and improvement. Why, what was such a doctrine, after all, but the political economy of national gambling? Were they to tell a whole community that their destiny was to oscillate between chronic misery and periodical destitution—to be alternately mere sponges for rent for the absentees or stipendiaries on the imperial exchequer? What man was there who desired to see the people of Ireland raised to the condition of the people of this country who could look with complacency on the probable recurrence of such alternatives? But the hon. Member for Buckinghamshire had put this question, in a few words, on its right basis. He had told the House the night before that he would vote for the Amendment of the hon. Member for Kerry, because it involved the same principle which he had lately contended ought to be applied in England—that the property at present rateable to the poor should not be exclusively rated, but that personal property should be compelled directly to contribute. Well, that might be a very friendly aid to the hon. Member for Kerry's Amendment; but was it prudent in hon. Members for Ireland to ague that the matter should rest upon that ground? If they invited the support of the hon. Member for Buckinghamshire upon that principle, did they not raise here a preliminary controversy on Irish ground, involving the whole question of where the burden of the support of the poor should lie; and did they not warn English Members that they were not safe in tampering with the principle, that in any portion of the empire there should be imposed an income tax in aid of the poor-rates? For clear he was, that if they once admitted the principle of an income tax in aid of rates, they would very soon be driven to an income tax instead of rates. It was not for him to enter on the wide field of discussion which this aspect of the question opened; but he warned them that, when the question of the rate in aid was put on that ground, they must regard it as involving them as partisans on the one side or on the other. The hon. Member for Buckinghamshire and the hon. Member for Cockermouth united, for once, in declaring that they wanted a policy; that all the amendments of the poor-law would not do; and they had asked what was to come next, and whether propositions of the present kind would alleviate permanent evils and stanch those deeply-seated wounds that had so long been flowing? He (Mr. M'Cullagh) answered that he did not believe they would. He believed it perfectly impossible to look at the present state of things in Ireland, and say that any amount of poor-laws or police, or temporary expedients, could do that, which he believed in his conscience no legislation could do, until a change took place in the tone and sentiments of that class from amongst whom the greater number of those who represented Ireland on both sides of the House were chosen. Until the Irish landlords, who did their duty, and who kept faith with their tenantry, should no longer feel bound to make common cause with those who did neither—until they ceased to be haunted by a superstitious sense of obligation to defend those of their class or kindred who had abandoned their country, who made the people the mere tools of their exaction so long as the potato lasted, and when the potato failed, cast them for support upon the imperial treasury—until the good landlords renounced all common cause with the bad—neither they nor their country could hope for extrication from its present deplorable condition. He knew landlords who discharged their duties well; but he must say, that they would become accessaries after the fact by upholding those who had not done so. Some landlords were in the habit of saying—"You mistake; we live at home—we employ our people." No doubt they did; but they knew that half the landlords of Ireland did not do this. They could not by a poor-law rescue Connaught. It was beyond the power of any legislation to do so, except they exercised differently the rights of property; and that they would not do. But if they would persist in maintaining the rights of property for men who did not deserve it, they would be told that there were the wrongs of labour and industry; and for the sake of those rights of property, as well as for the sake of the people, therefore, he implored hon. Gentlemen opposite to consider whether they would not come forward and support stringent and unusual measures, and which were intended to meet an unprecedented state of things.

MR. MONSELL considered the real question to be debated was, whether they should accept the rate in aid, or support the proposition of the hon. Member for Kerry. For his part, he could not understand how any hon. Gentleman who acknowledged the pressing urgency of the case, and the necessity for immediate relief being afforded to the people, could oppose the rate in aid, without being prepared to vote for some substitute for it. The noble Lord at the head of the Government had dealt with the Irish Members somewhat unfairly with reference to the question. Professing to wish to decide it in accordance with the wishes of the Irish Members, he had, by the course he had pursued, rendered it impossible for them to express any opinion on the matter; for he had held up before them a veiled figure of indefinite taxation. He had asked them to decide, without telling them what it was that they were to decide upon. The hon. Member for Dundalk had spoken of the question before the House as if it were a landlord question. He (Mr. Monsell) asked him, could he get up in his place and say the adoption of an income tax, instead of a rate in aid, would not relieve the great majority of the farmers of Ireland from the great weight of the taxation? Why, the great majority of them were to be rated under 300*l.* a year. The great majority—almost the whole of the farmers of Ireland—would not have to pay one halfpenny of income tax. Were the Amendment of the hon. Member for Kerry adopted, he, as a landlord, would have more to pay than he would have under the rate in aid; and his hon. Friend the Member for Dundalk well knew it. He said, then, it was unfair for him to come forward and make so unfounded an assertion as to the statement that the larger cities had petitioned in favour of the rate in aid. He believed that the Dublin corporation and the local body in Cork had done so; but were these two petitions to be placed against the hundreds which had been presented against the measure? Only this evening he had presented one from the Limerick board of guardians. It was proposed by a man in business, seconded by one of the largest fundowners in the north of Ireland, and adopted unanimously by a board consisting of merchants, shopkeepers, landlords, and farmers. He would read the resolution on which it was founded:—

> "That as the real principle of a rate in aid obviously is to obtain that rate from other sources rather than those most distressed already, and as the present poor-law presses solely upon real property, it is the opinion of this board, that for any rate in aid to be levied on such property is not only a palpable contradiction in terms, but also a most grievous injustice. That the average of such rate not exceeding 2½ per cent, or enduring beyond two years, is, in the opinion of this board, wholly valueless; but they believe, on the contrary, if once the principle be conceded, this noxious tax will be unlimited in amount and indefinite in duration, higher and higher upon the solvent unions, as others, one after another, become bankrupt through such fatal legislation, and only repealed in consequence of the too sure recurrence of those unhappy scenes which some few years since (tithes) compelled the abandonment of an intolerable impost. That if the Imperial Legislature should see fit in their wisdom to refuse all further succour to Ireland, it is, in the opinion of this meeting, far more just to invoke all the resources of this island in aid of the common emergency, rather than to tax merely a fraction of those resources, especially as recent changes in commercial legislation forbid us to expect high or even remunerative prices for the staple productions of this island. That without pledging ourselves to the details of the present English income tax, we are of opinion that a tax upon property and income, from what source soever derived, would be less unjust and impolitic than an additional tax upon rateable property."

That resolution expressed the universal feeling of the county he represented. The Chancellor of the Exchequer had endeavoured to find a precedent in the case of an Act passed during the last century, for the relief of famine in the Highlands of Scotland; but that Act allowed the distressed counties to tax themselves. There was no poor-law—it imposed a temporary poor-law, with the county for the area of taxation — but it did not tax one part of Scotland for the support of another. The Lothians were not taxed—although the area was large, yet the tax was only a local one. Every precedent was against the proposition of the Government; and he begged to call attention to the fact that all great writers who had written on the subject had denounced such a tax in the strongest manner. Recollect that the tax was not a local but a general tax. Mr. Mill had said—

> "Except the proposal of applying a sponge to the national debt, no such palpable violation of common honesty has ever been entertained as an exclusive tax on realised property."

And Mr. M'Culloch had said—

> "If such flagitious schemes be ever entertained, they will form a precedent that will justify the

repudiation of the public debt, and the subversion of every right."

But in supporting the proposition of the hon. Member for Kerry, the House would not think it irrelevant if he called attention to the present state of taxation in Ireland as compared with England, and to the disproportion between the amounts of rateable property in the two countries. In England the rateable property was estimated by the Chancellor of the Exchequer at 103,000,000*l.* a year. In Ireland it was valued to the poor-law at 13,000,000*l.* before the famine; but that estimate being considered low, he would take it at 15,000,000*l.* a year. From that they should now deduct at least 20 per cent, leaving 12,000,000*l.*; the charges upon which were, for county cess, 1,142,000*l.*; for poor's-rate, 1,700,000*l.*; for repayment of relief advances, 272,821*l.*; for relief advances under Sir J. Burgoyne's Commission, 953,000*l.*—amounting nearly to 4,000,000*l.* A portion of this last had been already paid, so that some deduction should be made on that account. The case might be fairly stated thus:—In England 100,000,000*l.* pays 12,000,000*l.* a year; in Ireland 12,000,000*l.* pays 3,500,000*l.* of local taxation. In England local taxation amounts to about 1*s.* 8*d.* in the pound; in Ireland, to 5*s* in the pound. He asked whether such a state of things in Ireland did not claim a liberal consideration from that House? He asked whether, if the House should consent to the imposition of this tax on Ireland, that country had not a fair right to call upon Parliament to change that system of policy which had produced such disastrous results? He asked whether a system could be longer permitted to prevail which in the words of the noble Lord opposite, or of the Chancellor of the Exchequer, was one continued course of squeezing of all the rates which could be collected out of the different electoral divisions, without making any exertions for the introduction of remedial measures of a permanent character? The measures which were necessary for Ireland had been indicated by the hon. and learned Member for Cockermouth (Mr. Horsman) in the course of the present debate, and by the right hon. Baronet the Member for Tamworth upon two remarkable occasions; but he would refer to one case which had come within his own knowledge, and which he thought illustrated three of the important measures which it would be essential for the House to entertain in considering a remedial policy for Ireland. At a distance of twelve miles from Limerick there was an estate of 4,500 acres, which for a long period had been subject to the jurisdiction of the Court of Chancery. The tenantry were in a miserable condition, and poverty prevailed throughout the district, and was accompanied by crime. A few years ago, a Limerick merchant of great note purchased the estate, and by the course which he pursued, the district had become both tranquil and prosperous. Now, what plan had that gentleman adopted, for it was important to consider it? Why, he assisted the surplus population of the place to emigrate. Not the capitalists, be it remembered: he kept the capitalists at home; but the surplus population. The course which that gentleman had pursued, had restored the people to prosperity; but in the same electoral division, another estate, which still remained in the hands of the Court of Chancery, remained in a state of misery and degradation. For the paupers of that other estate, a heavy charge was placed on the remainder of the electoral division. Here, then, was an illustration of the necessity of making the area of taxation small, of assisting emigration, and of substituting some more rapid tribunal than the Court of Chancery for the sale of encumbered estates. Without dwelling on the present occasion at any length on the benefits to be derived from emigration, he would mention one case more. It referred to two different electoral divisions, having in each 6,000 persons. In the one, which contained the estate of the noble Viscount the Secretary of State for Foreign Affairs, 2,000 of the 6,000 had been sent, in the beginning of 1847, to another country, where they were now prospering, and whence they were sending money to the remaining 4,000. In the other district, where this plan had not been adopted, 2,000 men were now in their graves, and the remaining 4,000 were dragging on a miserable existence. It would be impossible to exaggerate the miseries which prevailed in large districts of Ireland; and it would be well to avert the judgment of Heaven by commencing a course of legislation which should put an end to those miseries. He repeated the hope that hon. Gentlemen would not allow themselves to be deceived upon this question, but that they would remember that by not voting for the proposition of the hon. Member for Kerry, they were practically supporting the proposal of Her Majesty's Government. He feared that if they did not accept the Amendment, they would have both the income tax and the rate in aid, before the expiration of two years, imposed upon Ireland.

SIR W. H. BARRON felt himself placed in a very difficult position on account of the proposition of the hon. Member for Kerry. Knowing the great misery which existed among all classes—knowing personally that every man in Ireland was involved in the deepest distress, he could not conscientiously vote for the imposition of any additional taxation on that unfortunate country. In Clonmel, Dundalk, Waterford, Kilkenny, and many of the most important towns, the shopkeepers, and many other persons who were formerly considered in good circumstances, were selling or pledging their stock in trade much under prime cost, in order to meet the poor-rates. Many of them were nearly without custom. Many gentlemen who had formerly possessed large incomes, had been obliged to discharge their servants, thus adding to the misery of the country. A great number of the farmers were flying to America, leaving their rents unpaid, and many of the smaller farmers were either in the poorhouse, or receiving outdoor relief. He feared the House had but a choice of evils on the present occasion, because the noble Lord at the head of the Government and many hon. Members had declared that the British people would not aid their brethren, as they had hitherto done, with the common resources of the common exchequer. Now he could not agree to that principle, and the sin and shame must rest on the heads of those who had brought the people of Ireland to their present state of destitution. The House had acknowledged the principle that the people of Ireland ought to be maintained out of the common exchequer; but now, after three years of the direst misery in Ireland, they were about to abandon the principle upon which they had acted in relieving that misery. If he was to have a choice in the present case, he should unhesitatingly prefer the proposition of the hon. Member for Kerry. The House ought to bear in mind the present circumstances of Ireland before they inflicted additional taxation upon that country. Within the last four years there had been imposed on Ireland nearly 2,000,000*l*. of additional taxation, and that, too, after a loss of the capital of Ireland to the amount of between 30,000,000*l*. and 40,000,000*l*. And now the Government proposed to inflict a still further increase of taxation to the amount of 300,000*l*. annually. That which aggravated the unfairness of such a proposal was the Government pressing it upon Ireland at a time when her agricultural produce had fallen in value from 20 to 30 per cent from what it was some five years ago. He should not now enter upon any discussion as to the effect of the abolition of the corn laws; but he could not help stating the fact—notorious to everybody who had experience in agricultural matters—that a great decrease had taken place in the value of agricultural produce of Ireland. He begged the noble Lord to recollect that the infliction of an odious and unpalatable tax lost Great Britain her North American colonies. The attempt to inflict an odious tax on the people of England had cost a monarch not only his crown but his head, and had led to a revolution and civil war. He did not mean to insinuate that the present prospects would be followed by any like effect, but it would create in Ireland a bitter animosity to the English Parliament and to the English connexion. It had been often said, with reference to the American war, that taxation without representation was injustice. How much greater was the injustice when there was merely a mockery of representation, and when a majority, a great majority (59 to 14) of the representatives were opposed to the tax. Surely such a proceeding was not in accordance with the spirit of the English constitution? Ministers were thus treating Ireland worse than America was treated, by inflicting taxes, not without, but contrary to, representation. Let the noble Lord, whom he once supposed an admirer of the constitution, ask himself if this was not clearly unconstitutional? Would the English people submit to any burden so unjustly imposed? Believing this tax contrary to the constitution, he would protest against it in the strongest terms; and, relying on the poverty of Ireland, and on the protest of Irish Members against this tax, he called on the House to reject it.

LORD C. HAMILTON should not have thought it necessary to address the House, but for the speech of the hon. Member for Dundalk. Amongst the many Gentlemen, Members of that House, upon whom the hon. Member had cast his censures, the first he had singled out for attack was the hon. Member for Cockermouth (Mr. Horsman). Now he (Lord C. Hamilton) had not the honour of that Gentleman's acquaintance, and since he had had a seat in that House had found himself generally opposed to him; but he could not be insensible to the talent and upright bearing of that hon. Gentleman, or of the manly way in which he invariably expressed his opinions in that House, even when those opinions might be in opposition to the feelings of his constituents. Yet this was the Gentleman whom the hon. Member for Dundalk thought proper to select as the first subject of his attacks. He (Lord C. Hamilton) had listened with great pleasure and profit to the hon. Gentleman's talented and able speech; and although he generally differed with him in political views, yet he must say he considered that that hon. Gentleman always advocated his own opinions in a clear, lucid, able, and argumentative manner, which could not fail in imparting instruction to the House, or in deserving the highest respect from all parties. The hon. Member for Cockermouth, however, was absent at the time, and therefore the hon. Member for Dundalk was pleased to take the opportunity of pouring out the phials of his wrath upon him. [" No, no!"] " No, no!" Then he (Lord C. Hamilton) must have made a mistake; but he had at least thought the hon. Gentleman had not been peculiarly delicate in casting his censures upon that hon. Member, and he felt bound to make these remarks, because the hon. Member had stood boldly forward to vindicate what he, in his conscience, believed to be justice to Ireland, even although he did so at the risk of alienating from himself the feelings of his constituency; and if any trait in the English character was more dignified than another, it was its sympathy with those who unflinchingly spoke out their deliberate convictions, although it involved the sacrifice of their own private feelings and interests for them to act so independently. But the hon. Gentleman the Member for Dundalk did not stop there. He had next fallen foul of Mr. Twisleton, and passed upon him some of his most unmerited strictures: and then, having raised himself to a high moral pinnacle, by dint of venting unlimited quantities of censure upon others, the hon. Gentleman had thought himself justified in still farther widening the circle of his denunciatory remarks, and proceeded to launch his unmeasured invectives upon the landlords of Ireland. Standing on his elevated point of superiority, he had gone on to warn them not to allow themselves to be brought into contact, or become accomplices after the fact, with those " bad men and deserters of their country." Now he (Lord C. Hamilton) had not learnt what public services the hon. Gentleman himself had done to entitle him to assume the vocation of admonisher and censor-general, as he had so arrogantly and unscrupulously done that night towards almost everybody who differed with him in opinion. But, however liberal the hon. Gentleman had been in his censures, he had certainly been a great deal more stinted in his arguments in favour of the rate in aid. Putting in contrast the rate in aid and the income tax, the only thing he had attempted to palm upon the House, wishing it to be taken as an argument, was simply this—and as many hon. Members were not in the House at the time it was used, they would scarcely believe him (Lord C. Hamilton) when he mentioned it to them. The hon. Gentleman had stated that " the Roman Catholic clergy of Ireland had come forward and petitioned that their poor flocks should not be burdened with an income tax." So that the hon. Member for Dundalk actually seemed to imagine that the " poor flocks" of the Catholic clergy consisted of men having more than 150*l.* a year, and liable to the income tax. If the hon. Gentleman did not mean that, then what did he mean? for he had stated that the Catholic clergy had petitioned that their flocks might be spared the burden of an income tax; but the truth was, this was part and parcel of another argument, of which the hon. Gentleman was not the originator, and which some parties had endeavoured very industriously to spread, namely, that the device of an income tax was an attempt of the landlords to shuffle off and get rid of the burden of this tax. He did not wish now to go into the general question as to the policy or impolicy of a rate in aid. But he would observe, that the Irish Members now stood in a peculiar position in this debate. When the second reading of the Bill was under discussion, the question was a simple one, but after what had since taken place, the subject had become more complicated. After the views expressed in the House on a former occation, his hon. Friend the Member for Kerry had proposed this substitution of an income tax for the rate in aid, with the view of embodying in a specific resolution what he believed to be the general feeling of many who had voted against the proposition of the Government, and who, whilst they nevertheless considered it necessary that some money should be levied in Ireland to meet the case of the distressed districts, yet considered that funds might be raised in a much less objectionable mode than by a rate in aid. The hon. Gentleman's motive, at least, was one of which they all must approve. He knew that a strong opinion was entertained by the majority of the House, on the former occasion, that after all the exertions made by England for the last few years in her behalf, the time was at length come when Ireland herself must be willing to submit to some further taxation for the relief of her distress. The hon. Member and himself had acquiesced, to a great extent, in this view in the former debate; and the grand juries of the counties of Londonderry, Louth, Limerick and Tyrone, and several others, had all petitioned, expressing their readiness to meet the emergency by receiving a new tax, but all concurring in saying—let it not be from a rate in aid, because that would fall most unfairly and unjustly upon those who should not be saddled with such a burden. Many of the English and Scotch Members, who had assisted them in their opposition to the rate in aid, had done so under the impression that it was but fair that Ireland should pay something; and his hon. Friend the Member for Kerry had, therefore, brought forward his Amendment, not because he wished to shirk a fair burden that Ireland ought to bear, but because he wished to see it allotted more fairly and equitably to the taxpayers who had come forward in the way he had pointed out. His intention simply was to embody in a resolution what had been previously expressed, and to carry it out in fairnesss—that opposition to the rate in aid not being founded upon the amount, but upon the method of the proposed taxation. He must just notice an observation of the right hon. Gentleman the Chancellor of the Exchequer, attempting to solve the doubt and clear up the mystery of the origin of this scheme of a rate in aid. He said it came out at first in the shape of a representation of delegates in Dublin; but he had entirely mistaken the nature and character of that body. The real facts of the case were these: there were 131 unions in Ireland, and about forty gentlemen connected with the unions met in Dublin. They were not delegates—they were not elected, and were not competent to take upon themselves so important a question as the amendment of the poor-law. They appointed a committee of seven from among themselves, and this committee drew up certain queries to send to the different unions; and one of these queries was—whether, under the peculiar circumstances of Ireland, a rate in aid would be advisable? Now, the fact was, the right hon. Gentleman the Chancellor of the Exchequer had founded his argument upon the circumstance of this question being put to these 131 unions; but he had paid no attention whatever to what was the answer to it. And what did they think was the answer? Why, that all these 131 unions, with scarcely a single dissentient, decidedly deprecated the imposition of anything in the shape of a rate in aid. But with regard to the Amendment before the House, Ireland was ready to receive a new tax, not that she thought herself able to bear it—far, far from it, but she had no other resource left her, after the exertions Parliament had already made in her behalf, but to submit, distressed as she was. But what she did ask of them was, if they must have the money, that they at least would not demoralise the parts of Ireland that were still sound—that they should not check what prudence, improvement, enterprise, and self-reliance she had still left to her; but that she should take the money from her in the way that would be least burdensome to the contributor, and not in such a way as would render the actual sum they levied the least part of the burden which they imposed.

Mr. S. MARTIN said, that however unwilling he was to trespass on the time of the House, and however he participated in the feelings and wishes of a great number of persons, who he believed were more opposed than any others to this rate in aid, he thought it right to state the reasons why he should vote for it. He believed, that of all classes of Her Majesty's subjects those who were most opposed to the rate in aid were the Presbyterians of Ulster; and when he spoke of them, he alluded more particularly to the Presbyterian farmers, who would be called on to pay the tax, and with whose feelings and wishes on the subject he was well acquainted. Every person, he believed, would agree that the state of distress in the west of Ireland was such as to require immediate assistance. Most persons would also concur in the opinion that the means of relieving that distress should be sought, in the first instance, in the vicinity of the places where that distress existed. But it was acknowledged on all hands that the means of relieving that distress from such a source was now totally exhausted. There was no mode of collecting the means of relief where the distress existed; and he was not prepared, nor, he believed, was the House prepared, to say, that it would be fair or right, in respect to a rate merely imposed by Parliament, forcibly to take their land from the owners of property in those districts, in order to sell it for the non-payment of a tax which they had not the means of paying. Such a power never was, and he hoped never would be, exercised. It would be most unjust to adopt such a measure against persons for a debt which had been contracted against their will, and which they were totally without the means of paying. That being so, and every person being agreed that relief should come from some quarter, the question arose where was it to come from. He talked not of abstract principles, but he would ask any man whether it was not right, that in respect to Irish distress Ireland should pay in the first instance. ["No, no!"] An hon. Gentleman said "No;" but he put it to every person in that House whether it did not strike the feeling of each, without at all reasoning on the matter, that Ireland, Scotland, and England should be each primarily responsible for the relief of any distress that might exist in these countries. He had heard, indeed, that Ireland was to be considered a part of England, and should be looked upon in the same light as Yorkshire or Lancashire: but he believed it would be absurd to consider both countries in that light; and although no person was more favourable than he was to the maintenance of the Union, he nevertheless hoped that Ireland would always remain to some extent a separate country. He therefore wished that Ireland should, in the first instance, be called on to support its own poor; and after the millions upon millions which had been given to Ireland during the last three years, he did not see how this could be considered an unreasonable proposition. Government had, therefore, proposed a rate in aid, to be imposed on the whole of Ireland. Then, objections had been made to this proposal by the hon. Member for Buckinghamshire in his speech last night. In the first place, he said that there was no security that this tax, which was now proposed for only two years, would not be extended for an interminable period. Now, he was prepared to state, that if the people of Ireland, after the experience which they had for the last three years of the failure of the potato crop, still persevered in its cultivation, they must take the consequences upon themselves. ["Oh, oh!"] Gentlemen might cry "Oh, oh;" but he could assure them, if such a practice were continued, and if the same results followed from it as had followed for the last three years, the time would come when relief from others must cease, and when the people of that country must be left to their own resources. If they did not take the common ordinary course which prudence dictated, to help themselves, they must take upon themselves the consequences of such a course of conduct. The second objection was, that those upon whom this rate in aid was now to be thrown, were unwilling to bear their portion of it. That was quite true, and for his part it would give him infinite pleasure if the Irish Members of that House took upon themselves the payment of this 6*d.* rate. He believed it would cause extreme satisfaction amongst a class of persons who were well entitled to the consideration of that House for their good conduct, their prudence, their industry, and their constant loyalty. But if the owners of property in Ireland took it upon themselves, it would not be such a heavy tax. Those who had 1,000*l.* a year would be called on to pay 25*l.* per annum for two years. He did not think that this could be a matter of such great consequence to the gentry of Ireland, who, he hoped, were disposed to show some sort of national feeling on the subject. The other objection was one connected with the income tax. Now, he believed that no person who knew Ireland would deny that it was better for Ireland that she should pay this tax for two years, than that she should pay an income tax of 7*d.* in the pound for an interminable period, which would cause an enormous expenditure for collection in the first instance, together with the annoyance of having every one's affairs inquired into. With respect to the objection that personal property was not liable to the rate in aid, and that it would be liable under the income tax, he believed that the amount which would be levied on personal property under the income tax would be very small. These were the reasons which induced him to support the proposition of the Government.

MR. STAFFORD said, he thought the support which had been given by the only two English Members who advocated the measure of the Government—namely, the hon. Member for Dovor, and the hon. and learned Member for Pontefract, who had just sat down, was of a very questionable nature. The former hon. Member alluded to, had only, in fact, supported the Government proposition; for he had said, if any one had proposed to reduce the time to one year instead of two years, he would have voted for that suggestion. The hon. and learned Member for Pontefract had said that he intended to vote for the measure of the Government, for the not very logical reason, that he wished the Irish people to be taught to depend upon themselves. The hon. and learned Gentleman had assured the House that his well-beloved Presbyterians of the north—that class whose feelings and opinions he appeared especially ambitious of representing—had learned the art of depending on themselves; but most assuredly the hon. and learned Gentleman was adopting a very singular, and somewhat original, mode of testifying his approbation of their commendable conduct in that respect, when he proposed to tax them in the proportion of their industry, self-reliance, and providence, for the support of districts where the people were less energetic and thrifty than themselves, and had yet to learn the art of self-dependence. The hon. and learned Member was horrified at the injustice of proposing to sell the property of defaulting landlords in Connaught and Munster, in order to make their defalcations good; but if his sense of sacredness of property was so overwhelming in the case of the western and southern proprietors, was it not remarkable that he should not be visited by some feelings of an analogous description when he came to deal with the proprietors of Ulster? With respect to the general question, he would take leave to say that the division which was about to take place upon it, seemed likely to be characterised by unprecedented circumstances. During his Parliamentary experience he did not remember ever to have seen the House so thin on an evening of an adjourned debate, when it was universally understood that a division was to take place on an important subject. It was possible that certain sentences which had fallen from the noble Lord at the head of the Government, in the course of his address the evening before, might satisfactorily explain the absence of some of the English Members. The noble Lord had stated, that if the Irish Members should prefer an income tax to a rate in aid, he would not be prepared to view their preference with disfavour, but, on the contrary, would consent to adopt their opinions as they might be expressed that evening in the lobby. The effect which this announcement had, in all probability, produced on the minds of the English Members was, that their attendance in the lobby that evening was an unnecessary luxury, and might be advantageously dispensed with. The hon. Member for Kinsale had a delicate part to play. He, no doubt, would be consulted as an Irish Member, and, uninfluenced by the trammels of party, he would manfully make up his mind between the two questions—the income tax, which was probably viewed with the greatest favour by his constituents, and the rate in aid, which was notoriously the favourite of the Government. The future course of the Government would no doubt depend on the result of the examination of the division lists at Downing-street to-morrow; and the English Members had for this reason absented themselves from the present division. By the last division which had taken place on this question, the doctrine was affirmed that succour should be given to the distressed districts of Ireland, but that that succour must be derived, not from the imperial treasury, but from funds to be furnished by the Irish themselves. The alternative put by the noble Lord in his courteous invitation of the Irish Members to Downing-street, and the question to be decided on this division was, not by any means whether one farthing should be advanced by a grant from the national bounty, but whether they would have an income tax or a rate in aid. The noble Lord reminded him of Prior, who, addressing a lady under similar circumstances, said—

> "Now, Emma, now thy last reflection make
> Which thou wilt follow, which thou must
> forsake.
> For by ill-omened stars and adverse Heaven,
> No middle object to thy choice is given."

But whatever the decision of the Irish Members might be, the 100,000*l.* loan was an unpleasant certainty, and it therefore became them as men of business to look whether the noble Lord or the hon. Member for Kerry offered the best security for the mortgage. In answer to a question put by the right hon. Gentleman the Member for Northampton, the Chancellor of the Exchequer stated, last night, that about 250,000*l.* was the sum which he expected to raise by the rate in aid. Now, the official valuation in Ireland was put down at 13,000,000*l.*, which, in round numbers, at 6*d.* in the pound, would yield about 329,000*l.*; while the utmost which the Chancellor of the Exchequer expected to raise was 250,000*l.*, which would give a capital of about 10,000,000*l.*; denoting that, taking the most favourable estimate, the property of Ireland had sunk since the valuation to which he had referred, 3,000,000*l.* a year. But the papers laid before the Lords' Committee showed that, on the 25th September, 1848, there remained 800,000*l.* of uncollected rent in Ireland; and they had also to consider that, by a return lately presented to the House, it appeared that more than 7,000 armed men had been engaged in the collection of rates last year in Ireland. The Chancellor of the Exchequer read a statement which made it appear that not only was the condition of the distressed unions worse, but that the circle of destitution was spreading. Therefore, considering the amount of armed men employed to collect the rates last year, the amount of uncollected rate last September, and the worse condition of these unions and the property of Ireland, it might well become them to consider, as men of business, how far the security was good, or why they proposed to raise this 100,000*l.* The hon. Member for Kerry, on the contrary, offered the security of the whole property of Ireland not at present submitted to the property tax. He found that, on the 11th of March, 1842, the right hon. Baronet the Member for Tamworth, in bringing forward his scheme for an income tax, estimated that the tax, if extended to Ireland, would amount to somewhere about 410,000*l.* What calculation the Chancellor of the Exchequer had made when he stated that the income tax would not yield even so much as the rate in aid, he would not assume the province of determining; the right hon. Gentleman himself stated none whatever, and, in this respect, he thought him open to censure. He hinted that a supplementary tax would be required, but did not state what that tax was to be, or to what amount it would go. He complained that the Government should not have put two alternatives before the Irish Members; for it was not more than two months ago that he had ventured to say that it would have been fairer to the Irish Members to have given them the alternative which the Government had now offered them. That suggestion, however, was received with no favour, but met with something very like ridicule. At the morning party, or meeting of the Irish parliament in Downing-street, however, the noble Lord had taken his advice. The Chancellor of the Exchequer had stated, over and over again, that there was hardly any amount of deference which he was not willing to pay to Irish Members. If this were the case, why not yield to the strong opinion expressed against the rate in aid, and substitute for it a tax which they themselves admitted to be more just and fair? The right hon. Gentleman had stated that this tax was no novelty, no new idea. He must say that he was not one of those who accused the Government of originality. Independent of this measure, they deserved to be called the rate-in-aid Government, for they seemed to spend the whole of their official lives in seeking suggestions from others as to the government of Ireland. They had only two Irish Members with them, and all the rest against them; and they ought not to turn a deaf ear to the voice of public opinion out of doors, and in that House, which called loudly for the taxation of all property alike. The hon. Member for the West Riding, whom he was sorry not to see in his place, in his addresses to two large assemblies which he had graced with his presence during the recess, said that corn was now at 44*s.* a quarter, and would have been, if the sliding scale had been in force, 70*s.*; and he attributed this reduction to the free importation of corn. Whether that might or might not be attended with counterbalancing disadvantages, he would not now inquire; but the argument which he drew from this was in favour of the proposition of the hon. Member for Kerry. Whom was the reduction to benefit? Of course, they would say the consumer. Who were those whom it was likely to injure? Of course, they would say the producer. It was the right hon. Baronet the Member for Tamworth who brought forward the measure which, according to the hon. Member for the West Riding, would have made the price of wheat 70*s.* at this moment; and he also was the author of the Bill under which it was now admitted at a nominal duty. He would not now discuss which of these two measures was right; but it behoved him to ask hon. Members how they could justify fettering by this tax those who were most likely to suffer by the measures which they had passed? Whatever might be their opinions as to the policy or impolicy of a free import of provisions, it must be admitted that it had had the effect of reducing the price; and it must be equally obvious that it would be extremely impolitic, under the circumstances, to tax that class on whom the diminution of price fell. It was all very well for hon. Gentlemen to say that it was a question of town against country. He conceived that the towns of Ireland were mainly dependent upon the property of the country, and that they found in the landlord class their best customers. Even those who were not disposed to view the question in the light of its justice and fairness must be satisfied that even in a mercenary point of view it would be better that the whole country should tax itself lightly than that the towns should combine to ruin their best customers. He must be permitted to say, that if the right hon. Baronet the Member for Tamworth was going to vote against the proposition of the hon. Member for Kerry, he hoped he would do that House the favour, and the people of Ireland the justice, to state the reasons that actuated him upon the present occasion. He could assure the right hon. Gentleman that his speech had attracted a good deal of attention there. Having recently returned from that country, he was enabled to tell him that in the district with which he was connected, it formed the general topic of conversation, and none was so generally debated as the proposition which he had put forward for the amelioration and regeneration of Ireland. If the right hon. Gentleman intended to give a vote against the agricultural interest, he would ask him how he intended that capitalists should be induced to invest money in land in Ireland, if he assisted in imposing upon them that additional burden? It would be sanctioning the principle that all extra taxation, and all extra burdens, should be placed upon real property; and he would ask how, in addition to the many difficulties that capitalists would have to encounter in Ireland, they would be enabled to make head against that new and most serious difficulty? An hon. Gentleman on the other side of the House, when he spoke of the tax being unjust because it was levied upon only one portion of the community, had recommended the landlords of Ireland to pay the whole tax themselves. The suggestion, therefore, was to levy it upon the fraction of a fraction of the people of Ireland. It was somewhat extraordinary that while the English poor-law placed the whole of the rate equally between the landlord and the tenant, and while the principle of the Scotch poor-law was the same, the Irish should have an arbitrary arrangement which made the incidence of the rate dependent on the amount of the rent, and in that difficulty they gravely proposed to throw the whole of the rate upon the land. It might, perhaps, be well for those who were prepared to vote against the Motion of the hon. Member for Kerry to consider in what company they would find themselves in the lobby. Those who sought to reject the proposition of the hon. Member for Kerry were not those who loved the land or its interests; it would be well for those hon. Members to consider how they joined their worst enemies to defeat their own class, which was the best support and the brightest ornament of the country. He could not believe that more than a few weeks would elapse before they had ascertained by bitter experience the wisdom of the course now suggested by his hon. Friend the Member for Kerry, who, without pledging himself to the details of any supplementary tax, simply adopted the principle of choosing the least of two evils, and laid it down that it was better that the whole should be taxed than that the most wretched, and the poorest, and the most oppressed, should alone suffer. The House might probably not be aware that in the south of Ireland many of the shopkeepers invested their little savings in houses and land, and upon that class the rate in aid would press most heavily. Assuming, however, that the principle of the English income tax was applied to Ireland, that class would not feel the pressure at all. Therefore in the proposition his hon. Friend had made, he not only guarded the frieze-coated, the small farmers, from the incidence of any such tax, but also the shopkeepers—and they were an oppressed and impoverished class in the small towns of Ireland—were exempted. If they voted for the income tax, there might be difficulties in the mode of arrangement; but if they voted for the rate in aid, they would find difficulties in the management of the poor-law which would seriously embarrass its working in Ireland. They might depend upon it that at the present moment it was as much as they could do in many of the unions of Munster to administer that law. He only wished the Government could see the difficulties they had to contend with in Ireland in carrying it out—if they saw the amount of the pauperism that was to be relieved, and the difficulties that were to be grappled with, he was sure the noble Lord would see the force of the arguments that had been urged against the proposition; and he might say that in the present circumstances the least clog in the machinery of the Irish poor-law would bring the whole thing to a dead lock. He did not say that the military or police would be required to enforce its enactments—he did not mean to threaten, but in the present condition of the country it might be said that it was the last straw that would break the camel's back—it would complicate their difficulties, and render the confusion insurmountable. The plan might appear to the House simple and easy enough at first, but the remedy was only temporary and apparent; it would recoil upon themselves. There were only two alternatives for the Irish Members to adopt. The noble Lord had, he thought, very fairly said that he would not bind himself to one or the other; but that if a strong expression of opinion was elicited in favour of the proposition of the hon. Member for Kerry, he should feel it competent to entertain the proposition and to act upon it. He believed that if they carried the proposition now submitted to them, it would be the dearest 6*d.* they ever procured from Ireland; and if the Irish Members refused the offer that was then made them, it would be the worst speculation they had ever made. It would be a source of high gratification to him, and to all those who were proud of his friendship, if the proposition of the hon. Member for Kerry was adopted; and he congratulated his hon. Friend on having so honourably, so spiritedly, and so gallantly come forward in the present emergency to give the Irish Members an opportunity of proving themselves true to Ireland and to themselves.

Mr. GROGAN, who arose amidst loud cries of "Divide," said that he did not wish to interfere to prevent the division, but he was anxious to say a very few words on the question immediately before the House. He was unable to support either the proposition of Her Majesty's Ministers, or of his hon. Friend the Member for Kerry. He had given his continued opposition to the rate in aid, and he should continue to do so, and he should oppose the other proposition, as he conceived that the alteration, in the shape of an income tax, was extremely objectionable. Hon. Gentlemen were pleased to support Her Majesty's Ministers in carrying this grant of 100,000*l.* out of the Consolidated Fund on the security of the rate in aid, although they had been told, by all the persons employed in connexion with the poor-law in Ireland, it was the very worst security that could be given for its repayment. He would be no party to vote for this grant, but if it was the pleasure of the House to do so, he would not oppose the Motion. He felt bound to observe, on the question before the Committee, that it was rather a strange proposition from an Opposition Member, to come forward and urge Her Majesty's Ministers to impose a property tax upon Ireland, when two able financiers—he meant the present and a former Chancellor of the Exchequer—had both stated that they should be very glad to be able to extend it to Ireland. Under these circumstances, he could not vote for the Amendment which had been proposed. Before he sat down, he would read an extract from the speech of the noble Lord at the head of the Government, in 1846. when he proposed the measures of relief, and which observations at the time attracted great attention and a strong feeling in Ireland. The noble Lord, on that occasion, said—

> "As I stated at the commencement, this is a special case, requiring the intervention of Parliament. I consider that the circumstances I have stated, of that kind of food which constitutes the subsistence of millions of people in Ireland being subjected to the dreadful ravages of this disease, constitute this a case of exception, and render it imperative on the Government and the Parliament to take extraordinary measures for relief. I trust that the course I propose to pursue will not be without its counterbalancing advantages; that it will show the poorest among the Irish people we are not insensible here to the claims which they have on us as the Parliament of the united kingdom; that the whole credit of the Treasury and means of the country are ready to be used—as it is our bounden duty to use them—and will, whenever they can be usefully applied, be so disposed as to avert famine, and to maintain the people of Ireland; and that we are now disposed to take advantage of the unfortunate spread of this disease among the potatoes, to establish public works which may be of permanent utility. I trust, Sir, that the present state of things will have that counterbalancing advantage in the midst of many misfortunes and evil consequences."

He would request the House to draw a contrast between this opinion and the course that was now taken by the noble Lord.

Viscount CASTLEREAGH said, that he only wished to say a very few words previous to the division. He was sure that the House was placed in a very singular situation in consequence of the course taken by the noble Lord at the head of the Government and the hon. Member for Kerry. He had hoped that the House would have been spared from the alternative of deciding that night on these two propositions. His object in rising was to ask the noble Lord to be so good as to explain what additional taxation he intended to propose with regard to Ireland, in the event of the proposition of the hon. Member for Kerry being carried. He confessed that he never before was called upon to make such a leap in the dark. He, certainly, could not vote for this proposition.

Lord J. RUSSELL observed, that he regretted that he could not, consistent with his duty, give any further explanation to the noble Viscount, beyond what he had already stated.

Question put, "That the words proposed to be left out stand part of the Question."

The Committee divided:—Ayes 194; Noes 146: Majority 48.

List of the Ayes.

Abdy, T. N.
Adair, R. A. S.
Anderson, A.
Anson, hon. Col.
Anson, Visct.
Armstrong, Sir A.
Baines, M. T.
Baring, rt. hn. Sir F. T.
Bass, M. T.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Birch, Sir T. B.
Boyle, hon. Col.
Bright, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Browne, R. D.
Bulkeley, Sir R. B. W.
Butler, P. S.
Buxton, Sir E. N.
Cardwell, E.
Carter, J. B.
Chaplin, W. J.
Childers, J. W.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobden, R.
Cockburn, A. J. E.
Coke, hon. E. K.
Cowper, hon. W. F.
Craig, W. G.
Crowder, R. D.
Dalrymple, Capt.
Devereux, J. T.
Douglas, Sir C. E.
Duff, G. S.
Duff, J.
Duncombe, hon. O.
Duncuft, J.
Dundas, Adm.
Dunne, F. P.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellis, J.
Elliot, hon. J. E.
Emlyn, Visct.
Euston, Earl of
Evans, J.
Evans, W.
Ewart, W.
Fergus, J.
Ffolliott, J.
Filmer, Sir E.
Fitzroy, hon. H.
Fordyce, A. D.
Forster, M.
Fortescue, hon. J. W.
Gibson, rt. hon. T. M.
Glyn, G. C.
Goddard, A. L.
Graham, rt. hon. Sir J.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Guest, Sir J.
Hallyburton, Ld.J.F.G.
Harris, R.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayes, Sir E.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heywood, J.
Heyworth, L.
Hobhouse, rt.hon. Sir J.
Hobhouse, T. B.
Hogg, Sir J. W.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Hume, J.
Jervis, Sir J.
Johnstone, Sir J.
Keating, R.
Keppel, hon. G. T.
Kershaw, J.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lawless, hon. C.
Lennard, T. B.
Lewis, G. C.
Littleton, hon. E. R.
Loch, J.
Locke, J.
Lockhart, A. E.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
Magan, W. J.
Meagher, T.
Maitland, T.
Marshall, J. G.
Marshall, W.
Martin, S.
Masterman, J.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Mitchell, T. A.
Mowatt, F.
Mulgrave, Earl of
Norreys, Lord
Norreys, Sir D. J.
O'Brien, Sir L.
O'Connell, J.
O'Connor, F.
O'Flaherty, A.
Ord, W.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Pakington, Sir J.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, F.
Pennant, hon. Col.
Perfect, R.
Pigott, F.
Pinney, W.
Plowden, W. H. C.
Power, N.
Pryse, P.
Reid, Col.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Rutherfurd, A.
Sadleir, J.
Salwey, Col.
Sandars, J.
Scholefield, W.
Scully, F.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smith, J. B.
Somerville, rt. hon. Sir W.
Staunton, Sir G. T.
Stuart, Lord D.
Stuart, Lord J.
Sullivan, M.
Talbot, C. R. M.
Talfourd, Serj.
Tancred, H. W.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Towneley, J.
Townshend, Capt.
Trelawny, J. S.
Vane, Lord H.
Villiers, hon. C.
Wall, C. B.
Walmsley, Sir J.
Ward, H. G.
Watkins, Col. L.
Willcox, B. M.
Williams, J.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyvill, M.

TELLERS.
Tufnell, H.
Hill, Lord M.

List of the Noes.

Adair, H. E.
Arkwright, G.
Baldock, E. H.
Bankes, G.
Baring, T.
Barrington, Visct.
Barron, Sir H. W.
Bennet, P.
Bentinck, Lord H.
Beresford, W.

Blackall, S. W.
Blackstone, W. S.
Blair, S.
Blandford, Marq. of
Bourke, R. S.
Bouverie, hon. E. P.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Bromley, R.
Buller, Sir J. Y.
Burroughes, H. N.
Charteris, hon F.
Christy, S.
Clements, hon. C. S.
Clive, hon. R. H.
Cobbold, J. C.
Cochrane, A. D. R.W. B.
Cocks, T. S.
Codrington, Sir W.
Cole, hon. H. A.
Colebrooke, Sir T. E.
Coles, H. B.
Compton, H. C.
Corry, rt. hon. H. L.
Currie, H.
Currie, R.
Damer, hon. Col.
Dick, Q.
Disraeli, B.
Drumlanrig, Visct.
Drummond, H. H.
Duncan, Visct.
Duncan, G.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Ellice, E.
Estcourt, J. B. B.
Farnham, E. B.
Fellowes, E.
Ferguson, Sir R. A.
Fuller, A. E.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Godson, R.
Goulburn, rt. hon. H.
Granby, Marq. of
Granger, T. C.
Greenall, G.
Gwyn, H.
Haggitt, F. R.
Halford, Sir H.
Hamilton, Lord C.
Harris, hon. Capt.
Heald, J.
Henley, J. W.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hildyard, T. B. T.
Hindley, C.
Hood, Sir A.
Hornby, J.
Howard, Sir R.
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
King, hon. P. J. L.
Knox, Col.
Lennox, Lord H. C.
Leslie, C. P.
Lincoln, Earl of
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lowther, hon. Col.
Lowther, H.
Mackenzie, W. F.
Macnaghten, Sir E.
Mahon, Visct.
Manners, Lord G.
March, Earl of
Meux, Sir H.
Miles, P. W. S.
Moffatt, G.
Monsell, W.
Morris, D.
Muntz, G. F.
Mundy, W.
Mure, Col.
Neeld, J.
Newdegate, C. N.
Newry and Morne, Visc.
Nugent, Lord
Packe, C. W.
Palmer, R.
Philips, Sir G. R.
Pigot, Sir R.
Plumptre, J. P.
Portal, M.
Prime, R.
Renton, J. C.
Repton, G. W. J.
Richards, R.
Rushout, Capt.
Sandars, G.
Scrope, G. P.
Shirley, E. J.
Sibthorp, Col.
Sidney, Ald.
Simeon, J.
Smyth, J. G.
Somerset, Capt.
Stanley, hon. E. H.
Stuart, H.
Stuart, J.
Tenison, E. K.
Thesiger, Sir F.
Thompson, Col.
Trollope, Sir J.
Turner, G. J.
Tyrell, Sir J. T.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Williams, T. P.
Willoughby, Sir H.
Wodehouse, E.
Worcester, Marq. of
Wortley, rt. hon. J. S.
Wyld, J.
Young, Sir J.

TELLERS.
Herbert, H. A.
Stafford, A.

Mr. HUME wished to know what course the Government intended to take with respect to the advance of any money for the relief of distress in Ireland, now that the proposition for imposing an income tax upon that country had been rejected by the House?

Lord J. RUSSELL stated, in reply, that the Government were not disposed to advance any money on the credit of the rate in aid until the Act imposing that rate was passed. Still it certainly would be in their power to issue money from the Exchequer in case of any unforeseen contingency arising, and then to come down to the House and ask for a vote on the subject.

Mr. GOULBURN said, that, in his opinion, the Government could not, by any possibility, issue money upon the security of this Bill until it had received the Royal assent. The only fund from which they could relieve the distress was that which the House had placed entirely at the disposal of the Government, under the head of "Civil Contingencies," subject afterwards to the opinion of the House on its appropriation.

Mr. HUME said, that the declaration of the noble Lord at the head of the Government was to the effect that the Government would not issue any larger sum than five or seven thousand pounds, on account, until the Act had received the Royal assent. Every person, therefore, who supported the measure would do so upon the assurance that the sum would not be exceeded.

Original Question put.

The House divided:—Ayes 201; Noes 106: Majority 95.

List of the Ayes.

Abdy, T. N.
Adair, R. A. S.
Anderson, A.
Anson, hon. Col.
Anson, Visct.
Armstrong, Sir A.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Baring, T.
Barrington, Visct.
Barron, Sir H. W.
Bass, M. T.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Birch, Sir T. B.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Bramston, T. W.
Bright, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Browne, R. D.
Bulkeley, Sir R. B. W.
Butler, P. S.
Buxton, Sir E. N.
Cardwell, E.
Carter, J. B.
Chaplin, W. J.
Charteris, hon. F.
Childers, J. W.
Clay, Sir W.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Clive, hon. R. H.
Cobden, R.
Cockburn, A. J. E.
Coke, hon. E. K.
Cowper, hon. W. F.
Craig, W. G.
Crowder, R. B.
Dalrymple, Capt.
Douglas, Sir C. E.
Duff, G. S.

Duff, J.
Duncuft, J.
Dundas, Adm.
Ebrington, Visct.
Edwards, H.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Emlyn, Visct.
Euston, Earl of
Evans, J.
Evans, W.
Ewart, W.
Fergus, J.
Filmer, Sir E.
Fordyce, A. D.
Forster, M.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Goddard, A. L.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granger, T. C.
Greenall, G.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Guest, Sir J.
Haggitt, F. R.
Hallyburton, Ld. J. F. G.
Harris, R.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Henley, J. W.
Herbert, rt. hon. S.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hogg, Sir J. W.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Hume, J.
Jervis, Sir J.
Keppel, hon. G. T.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lewis, G. C.
Lincoln, Earl of
Lindsay, hon. Col.
Littleton, hon. E. R.
Locke, J.
Lockhart, A. E.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
Maitland, T.
Marshall, J. G.
Marshall, W.
Martin, S.
Masterman, J.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Mitchell, T. A.
Moffatt, G.
Morris, D.
Mowatt, F.
Mulgrave, Earl of
Norreys, Lord
Norreys, Sir D. J.
Nugent, Lord
O'Connell, J.
O'Connor, F.
Ord, W.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Pakington, Sir J.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, right hon. Sir R.
Peel, F.
Perfect, R.
Philips, Sir G. R.
Pigott, F.
Pinney, W.
Plowden, W. H. C.
Power, N.
Pryse, P.
Reid, Col.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Rutherfurd, A.
Salwey, Col.
Sandars, G.
Sandars, J.
Scholefield, W.
Scrope, G. P.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smith, J. B.
Somerville, rt. hon. Sir W.
Stuart, Lord D.
Stuart, Lord J.
Talbot, C. R. M.
Talfourd, Serj.
Tancred, H. W.
Thesiger, Sir F.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Towneley, J.
Townshend, Capt.
Turner, G. J.
Vane, Lord H.
Wall, C. B.
Walmsley, Sir J.
Ward, H. G.
Watkins, Col. L.
Willcox, B. M.
Williams, J.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyld, J.
Wyvill, M.

TELLERS.

Hill, Lord M.
Tufnell, H.

List of the NOES.

Adair, H. E.
Alexander, N.
Archdall, Capt. M.
Arkwright, G.
Baldock, E. H.
Bankes, G.
Bateson, T.
Bennet, P.
Bentinck, Lord H.
Blackstone, W. S.
Blair, S.
Bremridge, R.
Brisco, M.
Broadley, H.
Bromley, R.
Buller, Sir J. Y.
Burke, Sir T. J.
Castlereagh, Visct.
Christy, S.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Compton, H. C.
Currie, H.
Disraeli, B.
Drumlanrig, Visct.
Drummond, H. H.
Duncan, Visct.
Duncan, G.
Duncombe, hon. O.
Dunne, F. P.
Egerton, Sir P.
Estcourt, J. B. B.
Farnham, E. B.
Fellowes, E.
Fitzroy, hon. H.
Fortescue, hon. J. W.
Fox, R. M.
Fuller, A. E.
Gaskell, J. M.
Godson, R.
Greene, J.
Gwyn, H.
Harris, hon. Capt.
Hayes, Sir E.
Herries, rt. hon. J. C.
Hildyard, T. B. T.
Hill, Lord E.
Hood, Sir A.
Hornby, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, R.
Knox, Col.
Lawless, hon. C.
Lennard, T. B.
Lennox, Lord H. G.
Lockhart, W.
Long, W.
Lowther, hon. Col.
Lowther, H.
Macnaghten, Sir E.
Magan, W. H.
Meagher, T.
Manners, Lord G.
March, Earl of
Maxwell, hon. J. P.
Meux, Sir H.
Mundy, W.
Neeld, J.
Newdegate, C. N.
Newry and Morne, Visct.
Packe, C. W.
Pechell, Capt.
Pigot, Sir R.
Plumptre, J. P.
Portal, M.
Prime, R.
Renton, J. C.
Repton, G. W. J.
Richards, R.
Rushout, Capt.
St. George, C.
Shirley, E. J.
Sibthorp, Col.
Sidney, Ald.
Smyth, J. G.
Somerset, Capt.
Stanley, hon. E. H.
Stuart, H.
Stuart, J.
Sullivan, M.
Tenison, E. K.
Trelawny, J. S.
Trollope, Sir J.
Tyrell, Sir J. T.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Williams, T. P.
Willoughby, Sir H.
Wodehouse, E.
Worcester, Marq. of

TELLERS.

Beresford, Maj.
Mackenzie, W. F.

Resolution to be reported on Monday next.

The House adjourned at One o'clock till Monday next.

HOUSE OF LORDS,

Monday, April 23, 1849.

MINUTES.] PUBLIC BILLS.—1^{a} Cruelty to Animals Prevention.

2ª Grants of Land (New South Wales); St. John's, Newfoundland Rebuilding.

Reported.—Society for the Prosecution of Felons (Distribution of Funds); Prisoners' Removal (Ireland).

3ª Spirits (Ireland).

Petitions Presented. From Sheffield, and other Places, for the Adoption of Measures for the Suppression of Seduction and Prostitution.—By the Earl of Harrowby, from Portsmouth, and several other Places, against the Granting of any New Licenses to Beer Shops.—By the Earl of Powis, from Clergy and Laity of the Church of England, that Article 11, Sect. 5, Cap. 2, may be Expunged from the Criminal Law Consolidation Bill.—From the Cardigan Union, against the Admission of Vagrants and Tramps into Union Workhouses.—From Cardigan, for the Enactment of a General Conservancy Bill; also for an Alteration in the Law of Settlement.—From Bath, for an Alteration of the Church Temporalities Act.—By the Marquess of Lansdowne, from Manchester, for an Alteration of the Navigation Laws.

NORTH WALES RAILWAY.

Order of the Day for taking into consideration the Petition of William Chadwick and John Marriner (now in custody for contempt of the Orders of this House), praying to be discharged, read.

Lord BEAUMONT moved—

"That the said William Chadwick and John Marriner be brought to the Bar of this House and reprimanded by the Lord Chancellor, and discharged on payment of fees."

Lord MONTEAGLE did not wish to oppose their release, since the House had sufficiently vindicated its privileges, but at the same time rejoiced that the matter had been brought under the consideration of the House.

Earl GREY said, there could be no doubt that the petitioners had been guilty of a gross contempt. He did not intend to offer any opposition to the Motion, but thought it should be distinctly understood that, in similar cases, for the future, their Lordships would not be disposed to deal so leniently.

The Marquess of LANSDOWNE thought the House had acted wisely in vindicating its honour and privileges; and, while he had no intention of resisting the Motion, trusted the petitioners would not be released without receiving a severe reprimand. He thought that their Lordships were deeply indebted to the noble Lord (Lord Monteagle) for the manner in which he had vindicated their privileges—and assured the noble Baron that if he had not so promptly taken the matter up, it would have been his (the noble Marquess's) duty, or the duty of some other Member of the Cabinet, to have interfered in their support.

Lord BEAUMONT admitted the case of the petitioners to have been one of extreme misconduct. The House were certainly acting with extreme lenity, and he trusted that none would ever be induced to repeat the offence.—Motion agreed to.

SALE OF WORKS OF ART IN ITALY.

Lord BROUGHAM said, that he had heard with very great uneasiness—and should hear with indignation, if the report proved true—that those good-for-nothing persons who had expelled the Grand Duke of Tuscany from his dominions, and had possessed themselves of the government and the treasures of art at Florence—but who had now been put down—and those good-for-nothing persons at Rome, who were not yet put down—but that they would soon be put down could not be doubted, either by the people coming to a sense of what they owed to themselves, or by foreign interference—that those persons who had signalised their revolution against the Papal Government, first by murder, afterwards by plunder, and completing in pillage what they had begun in assassination, had, for the purpose of obtaining funds to carry their base purposes into effect, laid sacrilegious hands on those ancient and admirable monuments of human genius which adorned their capitals. He would fain hope that these rumours were without foundation. In one respect he knew them to be without foundation—namely, that the greatest of all statues handed down from antiquity to modern times had been purchased by some person to be carried over to the United States of America. He found that that rumour was destitute of all foundation. He had also been told that the "*Transfiguration*," by Raffaelle, had been purchased by a noble Person, a Member of their Lordships' House. He had reason to believe that that rumour was also without foundation. He was sure, in the present state of the Government of Rome—in the absence of any legal title in that Government to dispose of any one picture or statue, no one could have made such a purchase except for the purpose of ransoming the noble captives from the bondage to which they were exposed, and of restoring them in happier times to their legitimate owners. He, therefore, must express his total disbelief in the rumour as far as it affected his noble Friend. No permanent title could ever be asserted in any such purchase. On that point he had no doubt whatever. The point, however, to which he wished to call the attention of his noble Friend opposite was this—the "lesser" works of art

—of smaller bulk and of easier transport, were, he understood, finding their way to the shores of this country. He hoped that some steps, like those taken by the noble Secretary for Foreign Affairs for the protection of a valuable armoury brought here for sale from Austria, would be taken to prevent the destruction of those noble galleries of Italy by the sale of detached pictures here, to which the want of title in the vendors was notorious to all the world. He hoped that his noble Friend would state whether the reports to which he had alluded were correct or not; and he trusted that his answer would confirm his (Lord Brougham's) impression that they were much exaggerated.

The Marquess of LANSDOWNE should be glad if he were able to give any satisfactory information from official sources upon the matter respecting which his noble and learnd Friend had just questioned him. His conviction was, that the reports on the subject were very great exaggerations. With regard to the smaller works of art, he was not able to say positively that they had not been touched; but, with regard to the larger works, they were still safe, and no attempt had been made to dispose of them. In fact, among the parties able to purchase them, the love of art would induce them to repudiate all illegitimate means of obtaining them. That any person, moving in the rank of their Lordships, would purchase an object of art procured in so violent and rapacious a manner, he considered to be a moral impossibility—nay more, he considered that in a country like our own, where every man was responsible to public opinion, no one would dare to make himself master of property acquired so ignobly and so unjustifiably. As to the trustees of the National Gallery and the British Museum, he knew that they were of opinion that it would be disgraceful to acquire by purchase any works of art surreptitiously obtained by the vendors.

Lord REDESDALE reminded their Lordships that when the pictures of Charles I. were sold by the Long Parliament on the disruption of the monarchy, they were bought even by those sovereigns who would not recognise the Commonwealth, and that some of them were, even to this day, the noblest ornaments of Continental galleries. He was afraid that we had been much too easy in our recognition of *de facto* governments; but if there ever was a government *de facto* it was that of Rome at present, and it would not cease to be so until it was put down by some alien intervention. Though no gentleman was likely to purchase these works of art, yet they might depend upon it that speculators would not be so squeamish; and if any man, who had 10,000*l.* lying idle, chose to invest it in the purchase of a picture from such a speculator, he believed that it would be impossible to dispute his title. It had been said, that the republican government could not give a good title because it was founded in murder; but he believed that if they looked into history they would find that every revolutionary government was so founded.

AFFAIRS OF THE RIVER PLATE.

The Earl of HARROWBY: My Lords, previous to the separation of the House for the recess, I gave notice to the noble Marquess on the other side (the Marquess of Lansdowne) of my intention of putting to him some questions with respect to our relations with the countries bordering on the River Plate; but, on looking more maturely into the question, and communicating with one or two other noble Lords who have taken some interest in these matters, I have thought it better to pursue the course which I am now pursuing, namely, that of moving distinctly for copies or extracts of the instructions given to Her Majesty's Envoys for their guidance in the intervention of Great Britain for the pacification of the affairs of the River Plate since the time of Mr. Ouseley, whose instructions were laid on the table of this House by Lord Aberdeen. My Lords, I may be excused for bringing this subject forward, on account of the deep interest which is felt in it by a number of my former constituents (Liverpool), though perhaps another reason would be sufficient, namely, the great and wide injury which has been inflicted on the commerce of this country. A person who undertakes to deal in any way with this question at the present moment, will soon find himself in a position of embarrassment, which can only be cleared away by agreeing to the Motion which I am about to make —I refer to the embarrassment arising from the circumstance that, since the last authentic information has been laid on the table of either House of Parliament, as to the mode of dealing which this country intends to pursue with respect to the States bordering on the River Plate, which was in 1846, we have no official information whatever of what is going on there.

We received at that time, on the part of the noble Lord who was then Secretary of State for Foreign Affairs, a full and emphatic statement of the whole policy which, under his administration of the foreign affairs of this country, we had pursued and were about to pursue with reference to the River Plate. The noble Earl did not do it altogether unprovoked, because he was called upon in the other House of Parliament by the noble Lord who has since succeeded to the direction of Foreign Affairs—he was called upon by Lord John Russell, and by parties in this House also, to explain distinctly what course of policy he was about to pursue, and what were the means by which it was proposed to carry that policy out. That noble Earl, with the frankness which always distinguished him, came forward, and laid upon the table of the House the whole of the instructions issued by Her Majesty's Government for the guidance of our Envoys. Since that time we have had no less than three formal missions, and two informal communications, to endeavour to negotiate the differences between the Argentine Confederation, represented by its President, Rosas, and the Banda Oriental. We have not the slightest knowledge, except through irregular communications which have reached this country, contained in the messages delivered by the President Rosas to his own legislature, of the policy which the present Government has been pursuing since the year 1846, and of the course of all these negotiations, which have so rapidly succeeded each other as almost to perplex the mind of any one who attempts to deal with the question. In the year 1846, Mr. Ouseley was sent out on the part of this country, and M. Deffandis on the part of the French Government, for the purpose of mediating between the Argentine Confederation, with Rosas at its head, and the Monte Videan Government. Their mission was unsuccessful; but by what means, or in what manner, we have had, as yet, no authentic information. Mr. Hood, formerly our Consul at Monte Video, was then sent out to carry on the negotiations in concert with the French Minister. That mission was also unsuccessful. Subsequently—I think in the following year—Lord Howden was sent out on the part of this country, and Count Walewski on the part of France; but in consequence of the differences which existed between the parties with whom they were to negotiate, that mission also proved unsuccessful. That had been followed by another attempt on the part of Captain Gore, acting for this country, and M. Gros as the representative of France, which had been equally unsuccessful. A minor negotiation by Mr. Thomas Hood, the son of the former Mr. Hood, was attempted with equal want of success. Another Envoy has since been sent, Mr. Southern, who, I suppose, has received instructions to undertake the management of the business; and all that we know at present of his success is, that he has not been admitted as the Minister of this country by the President of the Argentine Confederation, although he has been allowed to reside in a private house, and has personally been treated with courtesy. The result of his appearance in the waters of the Plate has been, so far as we know, to give opportunity to the President of that Confederation to hold language in regard to the Minister of the Crown of England such as I believe was never held before, under any circumstances, to a Minister of the British Crown. I have simply, my Lords, given you the skeleton of what we know by public report. We know nothing officially. Indeed, we know nothing of any person having been sent out, or, if sent out, we know not why sent. We have no official information whatever upon the subject of the instructions under which they have acted, neither do we know why these instructions have not been successful. All we know of this sad and melancholy affair is, that the interference of the two greatest nations of Europe has been treated with ignominy by the President of the Argentine Confederation, and that the Crown of England has received an insult, in the language used towards it by that President in the address delivered to his Parliament, such as it has never received before. We ought surely to have some information upon this subject. It is not fair to the great interests of the country that they should be ignorant of the real course of the present state of things, or of the policy which the present Government has pursued with reference to this subject. Information to enlighten us on these points is the simple and plain object which I propose in bringing this subject before your Lordships. It will not be enough for the noble Marquess opposite to tell us that this information cannot be given, on account of public inconvenience, arising from the circumstances that negotiations are now pending, that Her Majesty's Government are sanguine of success, that they believe the President of the Argentine Confederation will alter his tone, and receive our addresses in a more conciliatory manner than he has hitherto evinced. We shall not be satisfied with assurances of that nature; we shall insist upon having some more authentic information on the subject. The noble Earl lately at the head of the foreign affairs of this country was always anxious to give information on the subject. He had nothing to conceal. He was anxious to show the grounds upon which the two great Powers of Europe had presented themselves as mediators and arbitrators in the affairs of the two States bordering on the waters of the River Plate: that noble Earl was always anxious to appease jealousies and allay discontent; and I am quite convinced of this, that if my noble Friend now filled that office, he would not refuse to give the required information. In regard to a great portion of what I ask, no difficulty can by any possibility exist, inasmuch as the fact is, no negotiations are pending at present. They are completed, and have come to a termination, and, I am sorry to say, an unsuccessful termination. One Minister after another has been sent out: their negotiations have failed, and we know not upon what grounds. We hear, mysteriously, through papers communicated by other Governments to their subjects, of the grounds upon which these transactions have taken place; but what we hear is no doubt very imperfect. We have been told that the Government of Rosas will accept the basis which they call "Hood's basis," with certain modifications; but what those propositions were, and what the modifications, we know nothing. We know not, in point of fact, what at the present moment are the points at issue between the parties, and which appear to make the settlement of this long and protracted dispute interminable. With respect to the conduct of the President of the Argentine Confederation, there is no doubt that he has up to the present year endeavoured to defeat the exertions of England and France to bring about a settlement of these protracted affairs. He has endeavoured for a long time to sow jealousy between those Powers, and that he has done so up to the present time with too great success appears by a document from which we have the best information of the present state of things in that country: it is the message of Rosas to his own legislature, which reached this country a few days ago, and in which he dwells at considerable length upon the state of the negotiations with this country. Hitherto this country and France have acted together with perfect harmony. That harmony was their strength—it was in fact a security to the Argentine Republic that no separate or independent interest was sought by either party. At the present moment that harmony, however, is at an end, and the President of the Argentine Republic is rejoicing in the separation between those parties. He states, in his message, alluding to foreign affairs—

> "The Government solicitously cultivates the good relations of the Confederation with friendly Powers. Those which it was pleased to maintain with the Government of Great Britain and France, have not yet been restored to their former footing."

Alluding to the position of the Government with regard to France, the President is anxious to distinguish between it and Great Britain, and says—

> "The Government will persevere in its endeavours to re-establish an honourable peace with France, regard being previously had to the satisfaction and reparations which are due to the Argentine Republic."

Surely, my Lords, the people of this country, having been led to suppose that the French and English Government were acting together in harmony in this affair, are entitled to know what were the circumstances which led to that separation. From the imperfect information which we have from other sources, we know that Lord Howden went over to Buenos Ayres, and remained in negotiation with the President for a considerable time. Finding that he was unable to come to any agreement upon a common basis, and being dissatisfied with the reception he met with, he crossed the water and went over to Monte Video. He there communicated with the Argentine Republic, and said, that having failed to negotiate with it, he intended to put himself in communication with the Monte Videan Government. Lord Howden then communicated with General Oribe, who commanded the forces besieging Monte Video, and stated the terms upon which he was prepared to negotiate. Those terms, however, materially modified by Oribe, and acquiesced in by Lord Howden, were submitted to the Monte Videan Government, and upon their rejecting them, as modified by the General, Lord Howden, without any consultation with the Monte Videan Government as to the grounds of their rejection, or even without the common courtesy of answering to Oribe that his mission was at an end, wrote to the commodore commanding our naval forces in the river, desiring him to raise the blockade, which had been mainly relied on by the British Government, for the last two years, as the chief means of enforcing an arrangement on the contending parties. This certainly appears a most extraordinary mode of dealing with the affair. The grounds subsequently announced by Lord Howden for his conduct were, that the Monte Videan Government had rejected his armistice. They had rejected not his armistice, but the armistice as modified by Oribe. In a letter in which he instructed the English commodore cruising in the waters of the Plate to raise the blockade, he asserted that the Government was in the hands not of the natives, but of foreigners. Now, that fact was well known before Lord Howden's arrival, and Monte Video was not, when he left it, more under the influence of foreigners than it was at the previous period during which the French and English Governments had interposed. I should like to know whether, when the blockade was raised, if there had been more foreigners in the place than during the period it was blockaded, that circumstance would have induced the Government to have acted differently? I really do not know how to explain the conduct of Lord Howden. What does it mean? What was his object in going to Rosas? When he did not succeed with him, what was his object in going over to Oribe? What was his object in negotiating for the Monte Videans, if, when he found they did not agree to the armistice, he at once removed from Rosas the engine of pressure which was afforded by the blockade? What is the result of all this? At present, no person trading to that country has the slightest knowledge of the policy which the Government are pursuing. All they know is, that two of the most powerful monarchies of Europe have professed, not only their intention, but also their determination, to put an end to the war raging between Oribe and Rosas, and the Government of Monte Video, and that Rosas has up to the present time defeated every one of the plans which they have adopted for that purpose. Now, my Lords, this step taken by Lord Howden is one which, as far as I can understand, Her Majesty's Government have expressed no opinion upon, different interpretations having been put upon it. I ask them at once to say whether they approve of that nobleman's conduct or not. Rosas says in his message, that "the conduct of Lord Howden, in the discharge of his mission, and of the act by which he had raised the blockade in the ports of the republics of La Plata, on the part of the naval forces of Her Majesty, has received the approbation of Her Majesty's Government." I rather think some expressions of the same kind have been used on this side of the water; but it is very true that this approbation is not so uniformly expressed by all parties. There is a rumour afloat, that when the intelligence arrived of the raising the blockade by the English Minister in the waters of La Plata, without consultation with, or the concurrence of, the French Minister, it created considerable surprise and dissatisfaction on the part of the French Government. It is also reported that that dissatisfaction was very strongly expressed to a Member of Her Majesty's Government; and there is also a report that the despatch addressed to Lord Normanby, containing that remonstrance, was withdrawn, I believe, at the instance of the present Government of France. Such being the state of things, I think your Lordships have a right to ask, does Her Majesty's Government, or does it not, approve of the course pursued by Lord Howden? Now, referring to another portion of this case, we find in the message of the President Rosas, that before we can even gain admission for the Minister of Her Majesty, and before he can be allowed to present his credentials, he must admit of "a proposal of pacification founded on the basis of Hood, and the modifications which this Government and its ally, the President of the Oriental State, Brigadier Don Manuel Oribe, have admitted, accommodated to actual circumstances in regard to Great Britain." So far as we can understand what those terms are, they are the very same as those which Lord Howden deemed so unreasonable that he left Buenos Ayres rather than agree to them. These points are, however, the preliminaries upon which alone Her Majesty's Minister may be permitted to present his credentials to the President of the Argentine Republic. Now, are we also to submit to the rebuke contained in the message of Rosas, when he expresses a hope that the views of Her Majesty's Government may be henceforth regulated "by the recognised principles of the law of nations, and explain itself in a manner that may satisfy the justice, the good faith, and the obligations of treaties?" Are we to agree to give a compensation of about three millions sterling for the very grave offences and the very serious damages which our Government, in concert with that of France, has inflicted on Buenos Ayres during the Anglo-French intervention? Are we prepared to give up the Falkland Isles? or to make the whole settlement of affairs in that country dependent upon the good will of General Oribe? For these, it appears, are the only terms upon which President Rosas will deign to receive an accredited Minister from Her Majesty? In what position are our interests now? Those interests are very important. They are no trifles. It may sound somewhat little to talk of the commerce in the waters of La Plata, but the commerce of this country to those parts is of great and increasing importance. In 1842 its amount between this country and Monte Video was upwards of 3,000,000*l.* sterling; and, considering the great facilities afforded for commercial purposes by the waters of La Plata, if the usual comity of nations were followed with regard to those waters, there is no doubt but that that amount might shortly be doubled. In the year 1845 the value of one convoy alone sent up the river Parana was 1,600,000 dollars. Commerce with those countries would open entirely new sources of wealth to this country, which would flow into Manchester and every other manufacturing and commercial city in the kingdom. The present is, therefore, no trifling matter. But this is not all. The interests of the Brazilian empire are at stake. The original object of the formation of the States on the banks of the La Plata was twofold: it was formed with the view of preventing the whole of the waters of La Plata from being in the hands of one great Power, and that Power notoriously hostile to European States. It was, therefore, thought necessary that there should be some intermediate or interposing Power between the Brazilian Government and the Government of the Argentine Republic. Are these considerations of less importance since Rosas has become the practical dictator of that community? Has he, during the exercise of his power, shown these matters to be of less importance? On the contrary, has he done anything since his accession to power to lead us to think it of less importance or less advantageous to have a Power interposing between the Brazilian Government and the Argentine Confederation? We know that in the difficulties which have arisen with the Brazilian Government in the Rio de la Plata, that Rosas has constantly threatened to give assistance to the mercantile parts of that State. It appears to me, my Lords, most important that this question should not be settled in that way, which is the only one that the noble Lord at the head of the Foreign Department seems to think of—namely, that of Monte Video simply surrendering, without condition, into the hands of the Argentine Republic. The language held by the Government of Rosas, which was insulting in the highest degree—the course pursued by the noble Lord at the head of the Foreign Office, in sending out Ministers there, apparently perfectly unprepared with instructions to act upon the very points which he must have anticipated—and other indications on the part of that noble Lord, lead to the conclusion that his opinion is in favour of the unconditional surrender of Monte Video to the Argentine Republic, and the entire destruction of that policy of this country upon which that Republic was founded as an independent State at the mouth of the Rio de la Plata, and on behalf of which principle the late Government of Her Majesty have held pretty strong language, and taken some rather strong steps. I do, therefore, ask your Lordships, for the sake of our mercantile interest, to join with me in calling on Her Majesty's Government for information upon this subject, in order that we may see distinctly what is the course intended to be pursued by them, and what is the destiny awaiting the Republic which we have hitherto supported, as we were bound to do by solemn treaties. I have come forward with this question with no party object, as the noble Marquess opposite (the Marquess of Lansdowne) may be well assured, but simply with the view of compelling Her Majesty's Government to state more explicitly than they have hitherto done what is the course of policy they have adopted, and free themselves thereby from the imputation which lies upon them, at least upon the other side of the Atlantic, that they have abandoned the policy which they have hitherto pursued, and are prepared to hand over to the tender mercies of the Argentine Confederation the hitherto supported Republic of Monte Video. In conclusion, my Lords, I beg to move for copies or extracts of all instructions given to Her Majesty's Envoys in the River Plate for their guidance in the intervention of Great Britain for the pacification of affairs in that river.

The MARQUESS of LANSDOWNE: My Lords, although I feel compelled to object to the Motion which the noble Earl has made, still I am disposed to give him every information in my power upon a subject which I feel with him to be one of great importance, and one involving very great interests; and which I fully admit ought to receive unceasing attention from Her Majesty's Ministers. The situation in which this country at present stands with respect to the negotiations in the River Plate is entirely different from that in which it was when the noble Earl lately at the head of the Foreign Office communicated to your Lordships the instructions which he had issued upon the subject. It does not follow that because those instructions were very properly communicated at that time, that all the subsequent instructions upon the same subject ought to be laid before your Lordships. I state at once, as forming an insuperable objection to these communications being made, that negotiations are now pending, and proceeding upon terms contained not only in the instructions recently issued, but in the instructions issued by the noble Earl formerly at the head of the Foreign Department to Mr. Hood; and as the noble Earl seems himself to be aware—for he does not appear to be quite so uninformed on the subject as he wishes your Lordships to consider him to be—the basis laid down by Mr. Hood is that upon which the negotiations are now proceeding, and upon which it has recently assumed a very promising aspect, so far as it relates to the probability of the modifications founded upon the basis of Mr. Hood being agreed to. What those modifications are, the noble Earl cannot expect, nor can any one of your Lordships expect, that I should now state. I can only say that those modifications do not go at all to the extent that the noble Earl has assumed Rosas is likely to ask. I will tell your Lordships in what position we now are. The noble Earl (the Earl of Aberdeen) was induced to agree with the French Government to send to that part of the world a specific mission for the purpose of mediating between the conflicting Powers in the River Plate. Mr. Ouseley was sent out, I think, in January, 1845, as Her Majesty's Envoy, with M. Deffandis, on the part of the French Government; and in the month of May those negotiations conducted by Mr. Ouseley were brought to an end. Subsequently an alteration took place in the policy pursued by these Envoys, in the course of which Mr. Ouseley was induced to carry on the system of operations directed against Rosas, which were of a nature to meet with the disapproval of the noble Earl. That disapprobation of the noble Earl was fully concurred in by my noble Friend now at the head of the Foreign Office. Shortly after—in May, 1846—Mr. Hood was sent out by the noble Earl (the Earl of Aberdeen); he was not, however, able to bring his mediation to a successful issue, and Mr. Hood returned. An arrangement was then made between the Government of France and this country for the purpose of bringing about peace and good understanding between the different parties who were engaged in carrying on the contest. Count Walewski was sent on the part of the French Government, and Lord Howden on behalf of Her Majesty's Government. They did not succeed in their negotiations, owing to the disposition of Rosas; and the modification proposed to the Monte Videan Government being rejected, Lord Howden felt himself justified in raising the blockade; and although the French Envoy did not raise the French blockade at the same time, yet it was agreed that a case had arisen which had not been provided for in the instructions of either the French or British representatives, and that the French were differently circumstanced in some respects from ourselves. The noble Earl (the Earl of Harrowby) seems to entertain some doubt whether the conduct of Lord Howden was approved by Her Majesty's Government. Lord Howden is not here; I wish he was, in order that he might state to your Lordships the grounds upon which he proceeded when he raised that blockade. He did, however, state reasons for so doing, which were perfectly satisfactory to Her Majesty's Government. I believe that the French Government, as well as the English Government, are of opinion that the particular case that had arisen was not one provided for by the instructions given by the respective Governments, but that it was a case in which the Plenipotentiary of either Government might take different courses, if they deemed such a proceeding advisable. I am of opinion that the statement made by the noble Earl, that the French Government have expressed their disapproval of the conduct of Lord Howden, is without foundation. From whatever authority the noble Earl learned it, I cannot find the slightest trace of any such communication being made by the French Government. On the contrary, I believe the French Minister conceived it was a case in which it was perfectly open to either party to put a different construction on the instructions. What the noble Lord seems to think is an unfortunate result, I think is not an unfortunate result; for I do not consider that a state of blockade (not required by any peremptory considerations) is a state of things that it was wise to prolong. That blockade was raised to the great benefit of Buenos Ayres, and not only of Buenos Ayres but of England; for there is a trade carried on between Buenos Ayres and this country which Government would not be justified in suspending, except a case requiring a strong pressure had arisen. There has been a considerable increase of that trade since the raising of the blockade; but before that a system of smuggling had been carried on by the establishment of a sort of circuitous way, the advantages of which, I have no doubt, some of the gentlemen connected with Monte Video were very loth to lose. A direct English trade with Buenos Ayres is a trade that it is important to maintain. The noble Earl describes Rosas as a person disaffected to European connexion; I do not mean to enter into any defence of Rosas; but I say this—for the satisfaction of the noble Earl, and for the satisfaction of those who were desirous that he should bring the subject before the House—that at no time has the trade of this country been more beneficially carried on than with that person, and the people under that person, though he has been described as opposed to European connexion. That trade has been increasing from month to month; and the individual who has arrived from Her Majesty's Government at Buenos Ayres, in describing the desire for English intercourse, under this absolute government of Rosas, declares that there is "a hunger and thirst" for English commodities, and that hunger and thirst is most effectively supplied by one of the most beneficial trades that ever was carried on. That gentleman also states that every facility he had occasion to ask for, that every facility the merchants had occasion to ask for, was most readily conceded by the authorities, and by Rosas himself. It is said, however, that Mr. Southern is not formally received by General Rosas. It is true he is not; but I am not here to state the particular motives that may call for General Rosas' conduct. I believe his opinion is (expressing, at the same time, the utmost anxiety for the event), that the most proper moment to receive him is when the arrangement in contemplation is absolutely concluded. But, in the meantime, there is no sort of personal honour that could be conferred on Mr. Southern—either as to the mode of his reception, or with respect to the manner in which he is lodged, provided for, and communicated with—that has not been shown to him; thus exhibiting the desire of the Government and inhabitants of the country to show the high respect in which they hold the gentleman who is known to be commissioned to attend there by Her Majesty's Government. The noble Earl has referred to a speech lately made by General Rosas. I believe the noble Earl has overrated the importance of that address. It is not from speeches made by General Rosas to his council or to his parliament, whatever the importance of that council or parliament may be, but it is from the direct communication of General Rosas himself, that his intentions are to be judged; and certainly from those communications I have recently received, I cannot but believe there is a desire—I had almost said, an intention—on the part of Rosas to come to a satisfactory arrangement with this country—an arrangement which, most undoubtedly, must include a due regard to the interests of persons on the other side of the river. It will be an additional satisfaction to Her Majesty's Government if, at the same time that he concludes such an arrangement, the French Government, whose case is somewhat different, may be able to conclude theirs. Though the mission of the French Minister may not be successful, at the same time I don't understand it to be entirely at an end. There fortunately exists between the Government of this country and the present Government of France the most cordial understanding, and they entertain a most sincere desire that this matter may be remedied, if not jointly, by communications from Power to Power, at least in that way which shall give to either Power the least reason to complain. Entertaining that expectation, I feel justified in declining to make any communication that may increase the difficulties of effecting that which ought to be a happy conclusion of the negotiation; and on this ground I must oppose the Motion of the noble Earl.

LORD BEAUMONT considered that the Motion of the noble Earl had reference to some of the most strange and complicated events in which this country was ever engaged; and if the noble Earl desired to unravel the threads of this curious web he must go a little further back. He should go back to the commencement of their interference; and if he did not go back, he would see such errors committed that it was a matter of astonishment to him that they were now likely to escape from the difficulties in which they had involved themselves. The commencement of that interference was an error—the continuance of it was a gross job. One of the chief motives of the persons who agitated on this subject was nothing more nor less than to secure until the year 1850 the profits they obtained in consequence of the gross job that took place at Monte Video between certain merchants and the Government. The job was this: the Government of Monte Video wished to raise a loan on the security of the profits of the custom-house, and the whole history of this blockade was to be found in the desire to increase the receipts of the custom-house. The whole object of the small knot of persons that obtained control in the city of Monte Video, and whose correspondents in this country agitated on this subject, was to make profits on the negotiations that took place with regard to the custom-house. The great error committed in the first instance was one which could not be brought too strongly before the House, in consequence of the injury it seemed to inflict upon the interests of this country. It appeared that a different principle was adopted by the same parties in one case from that which they adopted in another. The line of policy acted upon in regard to this hemisphere was abandoned in the western hemisphere, and totally contrary principles were promulgated. The cause of their interference in Monte Video happened to be this—they went and supported the revolutionary party, they put down the original Government; and of whom was the revolutionary party composed? Not of the people of the Banda Oriental, no—but it happened most singularly that they were all foreigners. There were some Italians and some French amongst them, and at the head of that party was one of the men who had so often been denounced by the noble Earl (the Earl of Aberdeen), at the other side, one whom they would have been pleased to see hanged; it was Garibaldi himself for whom they interfered. He (Lord Beaumont) knew not what Garibaldi might have thought when he afterwards heard himself denounced by the noble Lord and his friends at the other side, who had for so many years, at great risk, placed ships at his command to blockade Buenos Ayres, and even English regiments were landed to support Garibaldi and his friends. It was resolved, as it appeared, to send out Mr. Hood to do away with the whole of the policy of Mr. Ouseley. Mr. Hood was then sent out; and he (Lord Beaumont) thought that what was proposed by Mr. Hood was just and fair, and that everything might have been arranged, had it not been for the unfortunate conduct and policy of Mr. Ouseley, whom, individually, he did not blame, for he had no doubt acted upon the instructions of the noble Earl opposite, and when he condemned him, he really meant to condemn the instructions of the noble Earl. When Mr. Hood went out, he proposed something so different from what was proposed before, that the whole thing would have been arranged in a friendly manner, if it were not for the unfortunate conduct of Mr. Ouseley, in giving a wrong advice to parties at Monte Video to hold on and not to make any terms with Oribe, and perhaps also from the want of the French not acting altogether in the spirit that characterised the instructions of Mr. Hood. It appeared to him that Lord Howden had not only acted well, but in the only manner in which he could have acted. Lord Howden was well received, he obtained a greater influence over Rosas than almost any other person, and Rosas would have granted the terms that Lord Howden proposed. There would be no difficulty in the arrangement, so far as Lord Howden was concerned, were it not, unfortunately, for Count Walewski's proceedings. Again, he could not see how Lord Howden could be blamed, for, although at the time of the first intervention he was appointed to act with Count Walewski, after the difference of opinion between him and Count Walewski with regard to the armistice that had taken place, the whole of their joint intervention was at an end. From what had since taken place, he must say that until he had heard the explanation of the noble Marquess, he had thought we stood in a peculiar situation with regard to Buenos Ayres; but the explanation which had been given appeared to him to be satisfactory, and it was likely the result, as he had before said, would be quite different from what they might have expected.

LORD COLCHESTER said, the great error in all our negotiations in the matter was, that we did not simply look to our own interests, and that of our own countrymen who were in that country. Instead of steadily doing so, we joined with another European Power, whose alliance in European affairs was a matter of great importance to the whole world, but with whom in such a case we ought to have had nothing to do; because France stood with respect to Buenos Ayres in a position which precluded her from acting the part of mediator with any hope of success. He had heard with great delight that we were now about to act separately; had we done so from the first, the whole matter would have been settled years ago. When Lord Howden went out, the President of the Argentine Republic was quite willing to give him all he asked, but he refused to grant the same boon to other parties; and as the noble Lord could not act without the representative of France, the affairs only became more complicated. Another grand error that we committed was, commencing hostilities when there was no state of war; and he was glad that in that affair the conduct of Mr. Ouseley had not received the sanction of the Government.

The **EARL of HARROWBY** briefly replied: his Lordship was understood to say that he was glad to hear from the noble Marquess that the Government entertained hopes of an amicable adjustment of affairs in the River Plate, and trusted their expectations would not be disappointed. He could only hope that whatever steps might be taken for supporting the independence of the Banda Oriental, would not receive any obstruction or impediment. After the discussion that had taken place, he would not press his Motion, and therefore begged leave to withdraw it.

Motion withdrawn.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 23, 1849.

MINUTES.] PUBLIC BILLS.—3º Navigation; Indictable Offences (Ireland); Summary Convictions (Ireland); Apprehension of Deserters (Portugal).

PETITIONS PRESENTED. By Mr. Horsman, from New Windsor, for Inquiry respecting the Knights of Windsor.—By Mr. Plowden, from Cowes, Isle of Wight, and by several other hon. Members, against, and by Mr. Moffatt, from Clifton Dartmouth Hardness, Devonshire, in favour of, the Navigation Bill.

SEVERN NAVIGATION IMPROVEMENT COMMISSION (AMENDMENT OF ACTS) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR J. PAKINGTON, in rising to move the second reading, said he felt he had a very important and painful duty to discharge, the present being really a public Bill of great moment to the trading interests of the country, and being so, he had at the outset to express his regret at the prevalence of a practice which had been resorted to on this occasion, of making such Bills matter of private canvass, so that they were not decided on proper and public grounds. He thought that this was a most improper practice, and he appealed to the crowded House he beheld assembled to exercise an impartial judgment on the question. Properly speaking, the principle of the Bill was not in question. Seven years ago Parliament had passed an Act for appointing a commission of which he happened to be a member. It had turned out that the powers of the commissioners were not sufficient, and their affairs had become embarrassed; so that hence arose the necessity for the present measure, simply to aid in the promotion of an object already legislatively approved of. The opposition which he had to anticipate arose, firstly, from the Admiralty; secondly, from the town of Gloucester; and, thirdly, from the county of Shropshire. The opposition to the measure out of doors, in various quarters, had been most actively pursued; and he deeply regretted to have it to say that Captain Bethune and Captain Vetch, of the engineers, who had been sent by the Admiralty to inspect the Severn navigation in relation to this measure, had not conducted their investigations with that impartiality which they were bound on all such occasions to exhibit. Every one would agree that the first condition of such an investigation was that such an inquiry should be conducted with entire impartiality. The Admiralty had laid the evidence before the House, but perhaps it was not generally distributed among Members. When the inspectors opened the inquiry at Worcester, the clerk of the Severn commissioners made a statement of a most able character, and then proceeded to adduce evidence. Then a gentleman, named Anstey, addressed the commissioners in opposition to the Bill, and also adduced evidence. Now, he called attention to this fact, that the latter statement was printed *in extenso* in the evidence, whereas every word of the former statement of the clerk to the commissioners was suppressed—an omission at once acknowledged and unaccounted for. Again, a gentleman put in a statement in opposition to the Bill, and an engineer also put in a statement of great importance in favour of the Bill. The first (Mr. Bulgin's) was inserted; the second (Mr. Edwards's) was omitted. Yet the evidence of the two gentlemen related to the same part of the subject, and assertions in the one statement were at variance with those of the other; as, for instance, with respect to the manner in which the river navigation had been attended to. These omissions all told one way against the Bill, and they must have arisen either from utter inadvertence, or from improper partiality. In either case, the report of such inspectors was not worth much. In support of the Bill, the evidence of two of the first engineers in the country had been given; whereas, on the other side, all that could be said was, that two inspectors had sailed down the river, and thought the course pursued by the commissioners was wrong. Under these circumstances, surely the only satisfactory course would be to refer the Bill to a Committee. With respect to the Gloucester opposition, advocated by one of the Lords of the Admiralty, who represented the city, it was only a question of local rivalry, the port of Gloucester apprehending that its exclusive possession of the Severn navigation would be prejudiced by the passing of the Bill. Then, as to the Shropshire opposition—if ever there were a question fit for a Committee to decide, this was that question. This opposition arose from a reluctance to the tolls proposed to be imposed on the trade of that county; and it was contended that this trade derived no benefit from the improvement of the Severn. All he could say was, that if they could establish that allegation, the promoters of the Bill would not press the proposed taxation on that trade. On all these grounds he moved the second reading of the Bill, with a view to its reference, in the usual course, to a Select Committee.

Captain M. BERKELEY defended the Board of Admiralty, and observed, it must strike the House as strange that those who could be only interested for the public in this matter should have been guilty of any suppression of evidence; and he denied that there was the least foundation for any such charge. In considering the Bill, however, he hoped the House would bear in mind that if the commissioners had commenced operations somewhat nearer to the mouth of the river, they would have occasioned less loss and inconvenience; but they began too near its source. He had further to state that the city of Bristol, which was more interested than any other in the Bill, had declared against it as decidedly as either Gloucester or Shropshire. In the last Session of Parliament, when a similar Bill was before the House, he moved that it be read a second time that day six months, and he now begged to make a similar Motion. The fact was, that a considerable sum had been borrowed from the Worcester and Stafford Canal Company, and the money sought to be obtained under the present Bill was for the purpose of paying the interest on that loan.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words, "upon this day six months."

Mr. R. H. CLIVE considered that the hon. and gallant Member was justified by the reports of the Admiralty officers, and other persons in opposing this measure; and as the Bill would injuriously affect the interests of his (Mr. Clive's) constituents in the southern division of Shopshire, he would vote for the Amendment.

Mr. LABOUCHERE said, that though this measure came before the House in the form of a private Bill, it would affect public interests of great extent and importance. When this Bill came before the House last Session, he voted for the second reading, with the desire that it might be referred to a Committee; and, with the same intention, he would pursue a similar course on the present occasion. He would not offer any opinion as to whether there might not be solid grounds for some of the objections urged against the measure; but, considering that it had been brought forward by commissioners appointed under an Act of Parliament, and with the object of improving the navigation of the second and most important river in Great Britain, he thought it would be improper to reject the Bill.

Mr. HUME observed, that the question was, whether the Severn could be rendered more navigable up to Worcester than it now was. In order to obtain trustworthy information on the subject, the Admiralty had sent down officers of talent and experience as engineers, who had no connexion with any of the parties, to make inquiries. It was proposed, under the authority of this Bill, to erect a solid weir in the river; and the Admiralty officers stated that, by that means, 14,000,000 cubic feet of water would be shut out every tide. He considered, therefore, that such a proceeding would materially injure the navigation of the river, and he would vote in favour of the Amendment.

SIR F. T. BARING said, the commissioners appointed by the Admiralty to inquire into this subject had stated very strong objections to some parts of the Bill, and to those portions the Admiralty could not give their assent; but the commissioners themselves stated that they saw no reason why other portions of the measure should not be adopted. With regard to the charge of suppressing certain parts of the evidence taken by the Admiralty commissioners, he could only state that there had not been the slightest intention of acting with unfairness in this respect.

MR. GRENVILLE BERKELEY opposed the Bill, observing that it was impossible large ships could pass up or down the river, in consequence of there being four bridges which were not drawbridges.

MR. SLANEY said, this Bill would inflict serious injury upon his constituents; he regarded it as a most unjust measure; and he would therefore support the Amendment.

MR. LITTLETON observed, that the navigation of the Severn had already been improved by the proceedings of the commissioners, and was capable of still further improvement; and he hoped the House would allow the Bill to be read a second time, that its provisions might be considered in Committee.

SIR J. PAKINGTON, in reply, stated that the sole object of the promoters of the measure in coming to Parliament was, to be enabled to pay the interest due for advances to a London contractor.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 137; Noes 171: Majority 34.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for six months.

NAVIGATION BILL.

Order for Third Reading, read; Motion made, and Question proposed, "That the Bill be now read the third time."

MR. HERRIES rose and said, he should be deficient in his duty if he did not advert to some of the material topics involved in this question upon moving, as he intended to do, that the Bill be read a third time this day six months. The subject had been so fully discussed upon former occasions, that he hoped the House would excuse him from entering into any consideration of those minute details which had been the subject of previous discussion. They had now arrived at a point which required them, as statesmen and as legislators, to deliberate and decide upon the great measure before them upon the highest grounds of policy and national expediency. He did not think it necessary or proper at this stage to recur to any of the statistical elements of this question. He had done with columns of figures, with statements of the comparative prices of shipbuilding in this and other countries, and with the evidence contained in the ten folio blue books that had been presented. Nor would he again insist upon the argument that our great mercantile marine was the foundation of our naval power, or that the only effectual means of securing our mercantile marine was to hold fast by the fundamental principle of the navigation laws, which, as he had already so often asserted, consisted in securing to our own shipping the exclusive carriage of our trade where we could do so; and to extend to it the utmost degree of preference in our power in all other cases. He should not insist, on this occasion, upon the fact which he believed to be established, if not confessed, that in this country, the most wealthy, civilised, and most heavily burdened in the world with taxation, both local and public, ships could not be built as cheaply as in other countries not so burdened with local and general taxation. It would be a waste of time to the House to pursue the obvious line of general and irresistible reasoning which led to that conclusion. It was patent to every one, who would open his eyes to the relative condition of this and other countries. No inquiry concerning the prices of this or that particular ingredient in shipbuilding could materially affect it. High prices were the necessary accompaniments of wealth, civilisation, and burdensome taxation. All the fruits of manual labour were more costly in the richer than in the poorer countries. If an opposite result was obtained in the production of our staple manufactures, it was owing to the employment of machinery urged by a vast accumulated capital. Ships could not be produced by such means; and no ingenuity of argument could convince any man of common sense that a house, or a railroad, or a ship, could be constructed in this country at as small a cost as in the Baltic, until the habits of the people, the prices of commodities is general, and the contributions of the labourer to the exigencies of the State, were reduced more nearly to the same level in England and the north of Europe. Before adverting to the principal topics to which he should call attention, he begged to explain why those with whom he acted did not take any part relative to this Bill in Committee, when it was supposed some of its provisions might possibly have been improved. It had been a subject of reproach against them, that they had taken no part in discussing the details; and it had been insinuated that this was done designedly in order that the Bill should continue to exhibit its prominent defects, and thereby ensure a greater disposition to reject it afterwards either in that House or elsewhere. There was no foundation for that supposition; and he would say distinctly, that the only reason for not opposing it then was, that it was framed in such a manner as to be utterly impossible, consistently with the opinions held by himself and his friends, to make any change in it which would reconcile them to the principle. They considered that no change which they could propose would have made it answer the description which was mendaciously stated upon its titlepage — "A Bill to amend the Laws in force for the Encouragement of British Shipping and Navigation." The title ought rather to have been, "A Bill to abolish all the Laws now in force for the Encouragement of British Shipping and Navigation, and to make further provision for the Discouragement thereof." It had been asserted both in and out of that House, that in the resistance offered to the repeal of the navigation laws, the protectionists were fighting for a shadow, and struggling to retain a code of laws of which nothing material remained since the introduction of the reciprocity system. To this he should oppose, as the best answer, the declaration of the President of the Board of Trade when he introduced the Bill. He then stated, "The changes I am about to recommend, are of a far more important and extensive description than any previously proposed to Parliament;" and he added, "I do not disguise from myself that these alterations are of a very grave and serious character; that they go to the very foundation of what has been considered the principle of the navigation laws of this country." Such, indeed, was the nature and importance of the measure to which he (Mr. Herries) and his friends stood opposed. On former occasions, the House had discussed, at no inconsiderable length, the motives which had induced Her Majesty's Government to introduce this measure, and the insufficiency of many of them had been shown. Time, the great agent of truth, had served them wonderfully well upon this important question; for, between the time when they succeeded in persuading Her Majesty's Ministers to postpone for a year this dangerous Bill and the present, circumstances had arisen which had rendered the foundation utterly valueless upon which it was rested, and sufficient to induce the House to pause before they passed it. The interval had been eminently useful by bringing into clear light a very important element of consideration in forming a decision upon such a measure—the real state of the public opinion on this question. It had shown the real feeling of the people of England—it had put an end to the delusion that there was a "pressure from without" in its favour, which it was impossible for the Minister to resist. There were abundant proofs that the great stream of public opinion was now in the contrary direction. Time had also brought to light many important circumstances relative to the Bill, as it affected the interests of Canada and the West Indies, and our relations with America. With respect to all of those, valuable information had been brought within the knowledge of the House, correcting the undue assumptions of the right hon. Gentleman, and utterly destroying the grounds upon which his proposition were built. To begin with Canada, the condition and the wants of which were placed in the foremost rank as motives for the adoption of the Bill. He had shown on a former occasion how fallacious had been the assertions that the majorities of the board of trade of Quebec, or the board of trade of Montreal, or of the general population of the provinces, had been in favour of the repeal of the navigation laws. He had produced the clearest evidence of the contrary. But it was then objected to him that he had forgotten the Legislative Assembly. He (Mr. Herries) remembered very well that the only recommendation from Canada which sustained the right hon. Gentleman, came from a body which had, by the very same majority which had passed a vote against the navigation laws, recently enacted a measure whereby that colony had been convulsed to its foundation. It was not upon the wisdom of such a body that he (Mr. Herries) should be disposed to rely very greatly as a ground for repealing our navigation laws. And when the recommendations and petition forwarded by the Earl of Elgin came to be examined carefully, they were found to begin and end in this conditional remonstrance—"You have deprived us of protection; and having thereby exposed us to a bare competition with America in the export of our produce to the British market, we call upon you, on that account, to remove from us the restriction of your navigation laws." But the great body of the people did not concur in that petition; their cry was, "Restore to us protection, and maintain the navigation laws." But, as I have already more than once contended, the whole case of Canada, important as that colony may be, is insignificant when compared with the immense consequences to which this measure may lead. The next topic insisted on had been the interests and clamour of the West Indian colonies. What had become of the representations from thence? The famous address from the Assembly of Jamaica had been shown to be surreptitious. The after time had brought nothing from the islands except one representation from Trinidad, respecting the intercourse between that island and the main land, of too trifling a character to have any weight in a great question like this. The next foundation upon which the Bill rested was the threats or representations of the Continental Powers. Since that argument was first used, the House had been put in possession of correspondence and communications with the greater part of those Powers; and he asked the House, upon the replies which had been received, and which had been fully adverted to by him on a former day, whether they furnished inducements to this country for repealing a code of laws intimately connected with the prosperity and the safety of the greatest interests of this empire? Since the last discussion on this subject, one more communication from a foreign Power had been received, and that was a very unsatisfactory answer from Portugal. He should like to know what the right hon. Gentleman would make of the answer. The sum of it was simply this:—the Portuguese Government, after much boasting of its liberality and friendly regulations in its commerce with this country, frankly declared that it was not disposed to abandon its own protective laws, and, at the same time, stoutly objected to any retaliatory measures on the part of Great Britain; and it was well advised in doing so. It was aware of the power which it possessed by its ancient treaties, giving it the right to be treated as the most favoured nations. From Spain we had, of course, received no communication. For this very important omission the reason was obvious: we were still in the position of having no means of communicating with the Government of Spain—Spain, which had treaties of commerce and navigation with us almost as old as any other country; for the favoured-nation clause which she possessed dated from the Treaty of Utrecht. But there was one State from which we had received somewhat ample communications, and very remarkable intelligence. He meant the United States of America. Most flattering views had been given of the benefit to be derived from the conciliatory disposition of the United States, in relation to any measure of this description; and a very singular diplomatic note was actually laid upon the table indicative of that feeling. Since, then, however, a great change had come over the disposition of the American Government; and if we might judge by the announcements of the President, and by reports of speeches made by some of the most influential and eminent statesmen of that country—particularly by one well known in England, whose reputation was European as well as American—there existed in reality no such liberal intentions on the part of the American Government. He (Mr. Herries) wished for satisfactory information upon this subject. At present, he was inclined to doubt whether the celebrated Bancroft letter, and the no less celebrated Bancroft conversations with the right hon. Gentleman, had been fully warranted; as it seemed beyond all doubt that they would not be confirmed by the Government of the United States. General Taylor, in his inaugural address, declared that he was prepared to introduce measures for the protection and encouragement of the agriculture, commerce, and navigation of the United States—and a very wise determination it was. And Mr. Webster was understood to have declared, in a public speech, that the assurances made by Mr. Bancroft respecting the navigation laws were not such as were authorised by the Government of the United States. Under such circumstances, he apprehended Her Majesty's Ministers were not at the present moment in the same condition with regard to the United States as they believed themselves to be when they made the statements he referred to; at all events, nothing had passed relative to the United States which ought for a moment to weigh with the Parliament of this kingdom to impair its determination to maintain the principle of the navigation laws. But we came now to the more general and more conclusive ground on which the right hon. Gentleman professed to have introduced this the most important and extensive change ever proposed to Parliament—the interests of our own commerce. Now, upon this — the very touchstone of the whole question—he must turn to the best evidence that could be brought to bear upon it; and such evidence was fortunately within our reach. Commerce should speak for itself. Its sentiments and opinions on this measure, of so much direct interest to itself, had been pronounced by its legitimate representatives — the most distinguished commercial men and associations of all the great commercial towns in the kingdom. The noble Lord the First Minister could, perhaps, give the House some accurate information upon this point, for he represented the most wealthy and the greatest commercial community in the world. That great commercial community had expressed its opinion upon the question, and what was it? He would ask the noble Lord to state the opinions of his constituents. 20,700 had signed a petition against the Bill, which was presented to the House by the first magistrate of the city; but what was far more important than the number of signatures was, that they embraced the names of some of the greatest merchants in the world. Among the first in the list — for he would not go through it to make a selection—he found such names as these: Francis Baring; Charles Baring and Young; Fred. Huth and Co.; Ransom, Norton, and Co.; Palmer, Mackellop, and Co.; Henry Davidson; Masterman, Peters, and Co.; Spooner, Attwood, and Co.; Fletcher, Alexander, Bssanquet, and Co.; followed by a host of others not less conspicuous for wealth and intelligence in the commercial world. So much for the judgment of the leading merchants of this great metropolis — the constituents of the noble Lord. He would next turn to the second mercantile city of England—in some branches of commerce second to none — he meant the city of Liverpool. From that great commercial community there had emanated petitions, which he had had the honour of presenting, signed by no less than 47,000 persons, against the Bill; and he was enabled to state, upon the best authority, that among these there appeared the signatures of not less than 1,000 mercantile firms of great note and respectability. This was, perhaps, without precedent in the history of petitions. But he might be reminded that there had been a petition in a contrary sense from the same town. Yes! and what was the comparative weight and importance of it? It was supported by—not 47,000, but by 1,400 names, among which were not found 100 trading firms. It was also a remarkable fact, that in the petitions against the Bill, were to be found the names of some of those persons who had hitherto been conspicuous as extreme free-traders. They had been rescued from that error by the noble Lord and his friends and their measures. They were now cured of free trade. The other large maritime communities of the empire had not remained behind while London and Liverpool were thus tendering their opinions and prayers to the Legislature. Similar petitions had proceeded from Bristol, Newcastle, Hull, Sunderland, Cork, Waterford, Belfast. [Here some hon. Members whispered "Glasgow."] Oh, yes! he had not forgotten Glasgow; but there was an incident connected with it which he must advert to more particularly, and he adverted to it with the greater satisfaction, as it exhibited, on the part at least of one of the representatives of that city, whom he now saw in his place (Mr. Macgregor), a very remarkable spirit of independence, such as did not always, though it, no doubt, always should, actuate every Member of the House. It appeared, by an account reported in the provincial papers of a meeting between the constituency of Glasgow and their representatives, that it was urged by one of them, that as the fate of the Ministry might be affected by the success or failure of this Bill, that consideration would form an important element in his decision as to the course which he should pursue. The other hon. Member, to whom he was now alluding, thereupon at once magnanimously protested against that doctrine; and declared, that happen what might to the Ministry, his opinion should be given freely, and according to his conscientious judgment. He (Mr. Herries), therefore, counted firmly upon the independent vote of the hon. Gentleman; and he could not but hope that his Colleague, animated by his example, would follow in his wake, and assist in the rejection of a measure to which his constituents were so much opposed. But he had now said enough—perhaps too much—when he considered how the subject had been treated on former occasions, and the state of public opinion upon this mighty question. He would come to the question—what are, then, the motives, since they exist not in the wants and wishes of the mercantile world, for the vast change in our commercial and political legislation proposed to be made by this Bill? What were the motives that were to justify them in adopting a policy that was calculated to lead even to the possibility of such results as had been shown in the course of these debates to be consequent upon it. He knew of none except the allegation that it was necessary to repeal the navigation laws in order to carry out the general principles of free trade? He could see no other that pretended to be a valid argument in justification of this obstinate perseverance with the measure now before them. He did not state, that of necessity this great and grave change in the law, as they declared it to be, would produce all the evils that many persons anticipated as its necessary result; but his argument was, that if it produced even a chance of such dangers, they had not as yet shown any sufficient grounds for adopting it. But he entirely denied the proposition that the subject had any necessary connexion with free trade. They might continue their experiment with respect to free trade, and yet with perfect consistency abstain from any interference with the main structure and fundamental principles of the navigation laws. He had shown that the navigation laws had always been considered as an exception to the general laws affecting trade. But independently of this consideration, he would say, that if ever there were a time peculiarly unfitted for engaging in so hazardous an experiment, it was the present, when they were in the midst of a course of experiments upon several great national and class interests, the results of which were yet undecided. One of these affected the largest of our public interests, that of the landed property and agriculture of the kingdom. Could it be asserted, that the success or failure of that trial was yet decided? Whatever might be alleged of the effect of exceptional and disturbing causes upon that experiment, it must at all events be admitted on all hands that the result was yet in the balance. They had also made a vast experiment on the interest and welfare of our sugar-growing colonies. Would any man contend that the issue of that trial was at this moment satisfactorily established? Was any man bold enough to pretend that it was now ascertained that those colonies could exist and flourish under a system of free competition, with the labour of foreign slave-using possessions? In Canada, too, we had a great political experiment now going on—the experiment of responsible government; but could any man say that we ought to be satisfied with the result, and that we had acted wisely and successfully even in that case? They might talk of convulsions on the Continent, and of the probability that, when more settled times came, the trade with Continental nations would be materially increased, if England were now to abandon the restrictions imposed by the navigation laws; but what ground had they for supposing that such would be the result? From France they had not received the slightest assurance that she would adopt a similar policy; and from Germany they had received nothing but civil commonplace acknowledgments of the reception of the British overtures, together with an intimation that they could say no more until Germany had achieved for herself, out of the now prevailing chaos of her affairs, some settled constitution and form of government. Was it necessary to ask whether this was a state of things, at home and abroad, in the midst of which it could be wise, or prudent, or safe, to enter upon the great political and mercantile empirical change in which Her Majesty's Ministers now proposed to engage us? He could imagine nothing more precipitate than this downward and destructive policy of Her Majesty's Government. Not satisfied with having disturbed the landed interest, the Government appeared to be influenced by a fatal and irresistible desire to attack every other great and vital interest of the country. But did they not already apprehend that the consequences of their recent free-trade measures were bringing ruin upon this country? Were there no indications even now of the disastrous effects of those measures upon the labouring classes of the community? They, surely, could not be unmindful of what was going on as to be so insensible to the growing difficulty and distress pervading every branch of industry, and the growing conviction that these experimental changes were the causes of them. What motive, then, had they for throwing into the cauldron of agitation which their policy had originated throughout the country another element of discord? The Government itself was now becoming the author of agitation. They were contriving obstructions even to their own administration; they were rendering the country more difficult to be governed by perpetual changes, through which the interests of classes and individuals were unnecessarily disturbed, and the public mind kept in a state of continual excitement and vexation. This was a subject on which he was very unwilling to touch; but he must remind Her Majesty's Government that there was such a thing as a Liverpool and Manchester agitation for a retrenchment of the public expenditure; and that there were such things as wild and reckless attacks upon the public credit of the country. He would, therefore, advise Her Majesty's Government to abstain from measures which might tend to add to that agitation, and to sour the minds of men, and irritate and dismay them. In the present instance Her Majesty's Government were plunging deeper into this impolitic and fatal course, without any adequate motive or inducement. The measure was not even of their own choice or contrivance. They were following the lead of a single Member of this House, who had entered upon this new career of innovation and free trade as a volunteer—whose labours in a Committee of this House, and whose writings out of it, seemed to constitute their whole knowledge of the matter—and under whose auspices they were now content to march to the abrogation of the navigation laws. But he (Mr. Herries) hoped that there was yet wisdom and virtue enough in that House, even in this the last stage of this measure, to resist its further progress. If, after the results which they had witnessed of their applications to foreign States on this subject, and the expression of the commercial and general opinion of this country—if, after having experienced the results of their legislative proceedings with regard to the colonies—if, in spite of all those warnings—which should at least, induce them to be cautious at this particular time—they were determined to persevere with this measure, and it should unfortunately pass into a law, he felt satisfied that the Government, and those who aided them in this destructive course, would become the subjects of universal indignation at home, and the laughing stock of all the enemies and rivals of Great Britain abroad. He begged, in conclusion, to move that the Bill be read a third time that day six months.

ALDERMAN THOMPSON seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. ROBINSON said, he was anxious to add a few words to what had fallen from his right hon. Friend the Member for Stamford in opposition to this measure. He looked upon this as an objectionable measure, not only because it would, in his opinion, affect very injuriously the shipping interest of this country, but also most injuriously the condition of all those who depended upon the building, equipment, and navigation of ships. But the greatest objection which he entertained to this fatal measure was the extreme danger which it must bring upon the naval supremacy of this country. He did not believe that any arguments of his right hon. Friend, or any other Gentleman opposed to this measure, would at all influence the noble Lord or the Government. They had, unfortunately, committed themselves to such an extent upon this question, that he did not believe it was possible for them to be dissuaded from their course by any evidence or arguments that might be urged against the measure. But he in common with others would nevertheless feel it his duty to point out the objections to which it appeared to be liable. His right hon. Friend had wisely abstained from going into any statistical details on this question, and although he (Mr. Robinson) had brought with him several documents bearing in his opinion to a most important degree upon it, yet he should follow the example set by his right hon. Friend. He agreed with his right hon. Friend that all the answers which had been received from foreign Governments, in reply to the invitation of Her Majesty's Ministers, had been of a nature rather discouraging than otherwise. In point of fact, on carefully looking over all the letters which had been received by the Government in reply to their overtures to foreign States, the answers went no further than this—"If you repeal your navigation laws, then we shall deliberate on what course we may pursue in return." There was no express promise whatsoever on the part of any foreign State, that if we gave them the advantages which they would derive from the passing of this measure, they would give anything like reciprocity in return, even supposing they had the power to do so. But one of the strongest objections which he entertained to this measure was, that there was no foreign State whatever that could give us any advantages commensurate with those which it was proposed to surrender by this Bill. As his right hon. Friend had already remarked, if it had not been for the opposition which this measure had encountered in Committee, they would have had a Bill passed through that House and sent up to the other House of Parliament for opening the coasting trade of this country to all the other nations of the world, and to the United States particularly, upon an assumption arising out of Mr. Bancroft's celebrated letter — which stated that we might depend upon his assurance that whatever concessions we made with respect to navigation would certainly be reciprocated by America. But what was the fact? The Americans never had any intention of giving up their coasting trade; and consequently we should have surrendered to them the advantages of our coasting trade without receiving from them the slightest boon in return. He only mentioned that as a proof, amongst many others, of the fatal course which the Government were determined on pursuing, utterly regardless of the consequences. He might be permitted to ask, in common with his right hon. Friend, what inducement could the Government have under such circumstances for endeavouring to force a measure of this kind through Parliament? His right hon. Friend had himself furnished an answer to his own question. The only tangible reason which the Government could have for proposing such a measure as this was, that they felt it necessary to carry out their principles of free trade. Now, he was not going to enter into a free-trade argument, but independently of what had been said with respect to the inapplicability of what was called the free-trade principle, to such a measure as this, he maintained with his right hon. Friend, that such experience as we had had already of the recent free-trade measures, so far from being such as to encourage and induce us to extend them to the shipping interest, and the navigation of this country, was, in his judgment, entirely the reverse. He remembered perfectly well that when complaints were made of the present distress of the agricultural interest in this country, the existence of which was not denied, they were told by hon. Gentlemen opposite that the principle of free trade had not yet been tried, and that there were disturbing causes which interfered with its proper development; and consequently that it was unfair to attribute agricultural distress to the working out of what were called free-trade principles. Well, he admitted to a certain extent the justice of that assertion; he admitted that, by reason of the failure of the potato crop in Ireland, and the partial failure of the wheat crop, the principle of free trade had not yet been fairly tested. But he thought that that argument made rather in favour of the view which he took of this measure. He thought that, under such circumstances, he and those who held the same principles on this question, were justified in calling upon the Government to pause before they carried out free trade further than they had already done. Want of employment and low wages he considered to be two of the greatest evils with which the Government had to contend; and he was not disposed to add to those evils by giving his support to this measure, which must end in transferring a great portion of the shipbuilding of this country to other countries, and reducing the wages of the artisans employed in our dockyards. There were many hundreds of thousands of people employed in connexion with the building, equipment, and repair of vessels in this country; and although he, for one, was not disposed to say that, even if this measure should pass into a law, shipbuilding would altogether cease in this country, yet he would venture to say that which no man could deny, namely, that the necessary consequence of the passing of this measure must be materially to lessen the number of ships built in this country, and of course to abridge the employment connected with that interest. Well, then, looking at the other branch of the question—our naval supremacy—he conceived it to be the duty of the Legislature to maintain that supremacy inviolate, as upon it depended the independence of this country. Now, nobody, with the exception of Captain Stirling, was disposed to deny that a large mercantile marine was an essential means of manning the Royal Navy, in the event of any emergency arising in this country. He was astonished that an officer of such high standing, talent, and intelligence in his profession as Captain Stirling, should have hazarded his professional reputation by giving such evidence as that which he had tendered to the Committee of that House, which had sat upon this question. But what was the value of Captain Stirling's evidence when compared with the evidence of a contrary description given by Admiral Sir Byam Martin, Rear Admiral Sir Thomas Cochrane, Captain Toup Nicolas, the hon. and gallant Member for the city of Gloucester, one of the Lords of the Admiralty, and Mr. Browne, the registrar, who all declared, in the most explicit terms, that they not only considered a large mercantile marine essential to manning the Navy, but that the sailors in the merchant service were the most effective men when employed in the Royal Navy. Then, under such circumstances, he thought it was the duty of the Government, before they attempted to pass a measure so fraught as he considered this to be with danger, as a matter of common prudence, to endeavour to ascertain by every means in their power how the Royal Navy was to be manned in future in the event of our mercantile marine being materially lessened by the abrogation of the navigation laws. It was perfectly true that Captain Stirling, in his evidence before the House of Lords, had sketched out a plan of his own for manning the Royal Navy, independently of impressment and of the apprenticeship system. The plan was substantially no more nor less than this—a voluntary enlistment into the Navy, and an abridgment of the term of service to three years. There was no man in that House, or in this country, more averse to impressment than he had always been, and he had seen much of the effects of impressment during his life, and had suffered not a little as a merchant and shipowner from that system; but his most decided opinion was that, unless the House of Commons was prepared not to lessen the expenditure of the naval establishment, but vastly to augment it, by holding out such pecuniary advantages to seamen as would considerably increase their wages, there was not the slightest chance whatever of their being able to dispense with impressment in the event of a naval war. Then, with respect to the other part of Captain Stirling's plan, the abridgment of the term of service, he (Mr. Robinson) would ask, not any naval man, but any non-professional man in that House, what would be the effect of such a system? Why, that part of the plan he must designate—although he by no means wished to speak disrespectfully of Captain Stirling—as perfectly absurd. If a naval war should happen, what security could we have for the services of men who might quit the Navy as soon as they had served three years? The great objection which he had to this measure was this, that it would throw open the whole of the direct trade between the colonies and the mother country, and the indirect trade between the different colonies of the empire, and that was an advantage which he thought they should not surrender on any condition, because no advantage that could be promised on the part of any other State could compensate for the loss which Great Britain must sustain if she parted with her colonial trade. He would not part with that trade any more than he would part with the coasting trade of Great Britain. What was the language of some of our most eminent statesmen on the question? Mr. Huskisson, when he brought forward his measure of reciprocity, declared emphatically (and Lord Wallace repeated the same declaration in 1822), that the intercolonial trade and the coasting and fishery interests were closely connected with the naval supremacy of this country, and ought by no means and under no circumstances to be interfered with. Mr. Canning, when the American Government attempted to participate in our colonial trade, declared in his celebrated correspondence with them, that that trade could not be surrendered for any advantages that America could possibly propose as an equivalent. There were parties connected with the manufacturing interests that were fain to persuade the House that it was necessary to act upon these free-trade principles as they were called, for fear that foreign States should retaliate. Now, he should like to ask the hon. Member for Manchester, who had undoubtedly given great attention to this subject, and who was a competent judge—he should like to ask him what foreign State there was which, in his judgment, could, if so disposed, without injury to itself, venture to enter upon a system of retaliation against this country? In his (Mr. Robinson's) opinion there was not one. All commercial nations in the world, he maintained, were more indebted to this country for the advantages which they enjoyed from an access to our markets, than we were to them for the advantage of selling our goods in theirs. Now, although a protectionist, he was not an advocate for retaliation: he considered that retaliation ought to be avoided by every possible means short of the surrender of our own interests. But he would take the case of the United States of America, one of our greatest naval and commercial rivals. He had no jealousy of the United States, that great offspring of this great country, and if he expressed any opinion adverse to America, it was because of the position and circumstances in which she might be enabled to inflict danger upon this country. In reply to an application which he had made to a Member of the American House of Representatives, he had ascertained that more than one-half of the whole of the exports of the United States went to Great Britain and her colonies. He mentioned that for the purpose of showing that the United States had as great interest in reciprocity as we had, and that we had nothing to fear from the United States in the way of retaliation; nor had we anything to fear in the shape of retaliation from France, Prussia, Russia, or any other of the great foreign States; indeed, as regarded the United States particularly, as he had before said, they had more to fear from us than we from them. As, then, we had nothing to fear from these foreign countries, he was anxious that we should continue to do what we had done for the last twenty years, but done unsuccessfully. He was anxious that we should intimate to all the commercial States of the world that the principles upon which this country meant to act in future were those of a liberal commercial policy; and that all we asked of them was that, whilst we were disposed to do away with the monopoly and restrictions of this country which heretofore had interfered with their commerce, they should at least afford some evidence of a disposition on their part to follow our example, and to give us corresponding advantages. Now, had that been the case with those foreign States hitherto? We began to use this language when Mr. Huskisson was in office; twenty-seven long years had elapsed, and he (Mr. Robinson) would venture to say, without fear of contradiction, that although slight alterations had been made in our favour by some foreign States with respect to commerce, yet they had been merely such as conduced to their own interests, and that they had not in the slightest degree anticipated the changes which had taken place in our commercial policy. In fact, many of those States, instead of making corresponding concessions, had imposed additional duties upon the importation of our articles of manufacture. He would take the case of France. He remembered that when he first took his seat in that House, in 1826, a discussion was taking place with respect to the state of our commercial relations with that country, and vast efforts were made by successive Governments to gain over the French to a system of more liberal commercial policy. Overtures were made to them; but from that time down to the abdication of Louis Philippe, we had not been able to prevail upon the French Government, notwithstanding that we had lowered the duties upon several important articles of commerce the produce of that country, to make any concession whatever. It was stated that that was entirely owing to the influence which certain monopolists in that country maintained over the statesmen of the monarchy, and who deterred them from making any concessions. Well, but we had a French Republic now, and a National Assembly returned by universal suffrage. He supposed that they must consider the National Assembly to be a body speaking the sentiments of the universal people by whom they had been elected. And what had they done? Had they made any advance in the way of free trade? The new Republican Government of France had advertised for the importation of 38,000 tons of coals into France, and one of the conditions was that they should be imported exclusively in French vessels. So much for navigation laws in France. Then he remembered another measure—that of the duties upon salt, which had been introduced in the National Assembly; the importation of salt in French vessels was made subject to a duty of 1f. 75c., whilst that imported in British vessels was subject to a duty of 2f. 75c. His right hon. Friend stated truly that the strongest argument urged in favour of the measure was, that it would promote the commerce of the country by removing those impediments which inflicted serious injury. Where was the evidence of any desire upon the part of the commercial interests of this country for a repeal of the navigation laws? He had looked with great attention over the evidence given before the House of Lords by no less than seventeen of the principal merchants of the united kingdom. Every one of them declared that he had never had any difficulty in procuring freight for his goods at a moderate rate. He fully admitted that at times, owing to particular circumstances, freights had been remarkably high, such as in 1847, when a vast quantity of tonnage was employed in the transfer of corn. But he could state of his own knowledge, and he had been a merchant for forty years, that generally speaking the shipowners had more reason to complain that they had not been able to obtain remunerative freights, than the other class had of a monopoly of shipping. Why, the rates of freightage at all the ports in the world were unremunerative, therefore it was a delusion to say that this measure was necessary for the purpose of lowering the rates of freights. There were ships enough in this country, and there was a disposition to build ships enough in this country, to meet all the wants of trade and commerce; and he thought it most important for the interests of this country that we should employ our own shipping, and employ the persons connected with that interest, even if they had to pay a little dearer for it. It was wiser to do so than to throw a vast quantity of employment and skilled labour into the hands of the foreigner. With regard to America, the evidence of Captain Briggs had been adduced. His right hon. Friend said they would become the laughing-stock of the world. They were already so. In their great anxiety to procure evidence upon this subject, it was thought requisite to consult an American shipmaster as to the expediency of repealing our ancient navigation laws, under which this country grew and flourished until she reached the proud pre-eminence she now enjoys. Why, this fact was enough to make us the laughing-stock of the world. He saw the right hon. Member for Manchester smile; but he would tell him that the nations of the eastern and western hemispheres were looking with intense anxiety to their proceedings; with the hope of deriving some important good, and of taking advantage of any error they might commit. The Manchester gentlemen, and those engaged in the cotton trade, think that all other interests may be jeopardised if you can only assist them in some way or another to set their spinning jennies to work. But he would tell the two hon. Gentlemen who were setting together (the Members for Manchester) that it was in vain for them to strive against the stream. Every year—experience demonstrated it—those great commercial States that were growing up were attaining a better position to enable them to rival us: by importing our machinery, by copying our improvements, they were augmenting the difficulty of the manufacturing interest to increase its foreign trade. Was it wise then to sacrifice our own colonial and intercolonial trade, of which we were the masters, which was under our control, in the vain hope of making this country, what she could never be, the great workshop of the world? England could not become the workshop of the world, and make other countries depend upon her. In America, in France, in Belgium, in Germany, even in Italy, they would find that they were every year becoming more and more capable of dispensing with English manufactures, while they were at the same time determined to maintain the principle of protection. If he thought that free trade would conduce to the greater happiness of the weaker portion of the community—that portion whom they excluded from direct representation, or even in the participation of the elective franchise—if he thought that free trade would conduce to the happiness and comfort of the labouring classes, he would throw over the wealthy agricultural interests, and support it. But believing that it would not so conduce, and that it would rather impose upon them additional burdens which they were ill able to bear, he would vote against the measure. He believed that the further extension of the principles of free trade would have the effect of increasing pauperism, and adding to the degree of distress which now pressed upon the country. He trusted the majority in favour of the Ministry would be one so small in number as to induce the Government to pause in their career.

Mr. MACGREGOR, in entering upon the discussion, would premise that he did not complain so much of what had been done for foreign ships as what had been left undone for our own. He did not apprehend any distressing consequences to our shipowners from the passing of this Bill, but, at the same time, he could have wished that every restriction imposed on British shipping had been removed. He alluded more particularly to those restrictions on British shipowners which prevented the manning of their ships when and where it was most convenient for them to do so. He looked upon the omission of that privilege as the main fault of the Bill. There were other burthens on British shipping which he should also wish to see removed, such as the stamps on marine assurance, charter-parties, and bills of lading; but this relief involving a serious question of finance, it could only be introduced in a Bill altering the taxes of the country. He hoped, however, the abolition of those stamps would soon be considered by Her Majesty's Government. He should also wish to see abolished that law which interferes with the victualling of British ships, and also to see our lighthouses put on the same footing as those of France and America—a measure which he believed would reduce the expense of those establishments one-half—and all which should be paid out of the customs revenue, and not by the ships engaged either in the foreign, colonial, or coasting trade. If those restrictions were taken away, he feared no competition whatever. He could not discover that at any one period the navigation laws had been of any profitable use to the British shipowner or builder. From the first planting of Virginia and of the island of Barbadoes, down to the present day, he could not see the benefit, though he was convinced of the pernicious effect, of those restrictions. More than this, throughout the whole period of the late war, we were constantly breaking the navigation laws, and we were adding to the mercantile power of the country by taking foreign ships and registering them as British vessels. Such was our conduct on the capture of the *Havannah,* when one of the great grounds of praise to our admiral was his having captured so many ships from Spain, which ships, on being condemned as prizes, were constituted British-registered vessels, and were considered to have added proportional strength to our commercial marine. Now, he could not see the least difference between foreign-built ships receiving British registers, whether captured in war or purchased in peace. It was usual to date the navigation laws from the reign of Charles II., but the fact was that they ought to be traced back to the planting of Virginia. The Virginians having sent 20,000 lbs. of tobacco to England, the famers of the customs imposed so heavy a duty on it by the authority of James I., who arrogated the prerogative to tax all imported articles without consent of Parliament, that on the following year the Virginians sent their tobacco direct to Middleburgh, in Holland, where it was sold to great advantage; and it is a remarkable fact, that ever since that time, Middleburgh has been a great depôt for smuggled tobacco. In consequence of this evasion, an Order in Council was soon passed by James I., declaring that neither tobacco, nor any other article the growth of the plantations in America, should be exported except in an English-built ship, and under a bond to land the same in England, there to pay the duty, whether used at home, or re-exported to foreign nations. Such was, in reality, the true origin of the navigation laws, which Oliver Cromwell afterwards instituted to annoy the Dutch, rather than on the pretended ground of benefiting English ships. The New Englanders, invariably and successfully, down to the period of their independence, evaded those laws; and it would also be found, that nearly all the discontent between the American colonists and ourselves had arisen out of the restrictions on their navigation. He did not see what British shipowners had to fear. They competed successfully with the shipping of every other country except Spain, Porto Rico, and Cuba, which gave an advantage of 33½ per cent to produce carried in Spanish ships. But even that high duty of 33½ per cent was not equal to the advantages that we possessed in that country by sending our goods into Spain through Gibraltar. It was alleged that foreign shipbuilders had many advantages in competing with the shipbuilders of this country. But he found, on looking into the cases of Denmark, Sweden, and Norway, that their shipbuilders paid high duties for their copper, cordage, iron, canvas, chain cables, metal bolts, spikes, and anchors. They got their principal rigging here, and came over slenderly equipped, in order that they might get a complete outfit when they arrived in England. Our shipbuilders paid no duty on those articles. He next came to the Hanse Towns, where the ships of every country were freely admitted on perfectly free and equal terms from all countries. He found a general increase of British shipping entering the port of Hamburg, taking the average of several years, amounting to one-third of the whole tonnage, including the ships of the Hanse Towns. Then as to Prussia—the ships of that country were much in the same position as those of Sweden, to which he had already alluded, and which enjoyed a large share of the direct trade between their own ports and those of the united kingdom; but we did not find them entering largely into the carrying trade between those foreign ports in which our navigation laws were of no avail. We did not find them carrying sugar from the Havannah to Trieste, though British ships have long continued to do so with fair profit; we did not find them competing with us in carrying goods from those other countries in which our navigation laws could have no influence, that is to say, from New Orleans, Cuba, and South America, to Trieste, Naples, or Venice. He would now turn to Holland. For a long period that State had no navigation laws, and British ships arrived constantly in her ports from all countries, paying no higher duties on their cargoes than Dutch vessels. And if Holland, with so many natural disadvantages—if that country, originally a mere swamp, a bed of seasand—had prospered and succeeded under a system of perfectly free trade, and attained that magnificent naval power which at length swept the fleets of Spain—of her former tyrants—from the ocean, he could not understand why other nations, possessing infinitely greater natural advantages — greater capital, and equal energy and enterprise—could not succeed as well. It was said that Holland did not now allow us the same advantages in her colonies which we now proposed to allow in regard to ours. He was aware that in Java, on goods introduced in British ships, double the amount of duties was charged as on goods imported in Dutch ships. But they must look to the origin of these double duties. In 1824 and 1826, we imposed quadruple duties on ships from Rotterdam and Amsterdam entering British India—that was, we imposed double duties on the ships, and double duties on the merchandise; and the Dutch, in return, imposed double duties on ships and merchandise only entering their colonies in our ships. It was true that we had lately adopted a more liberal tariff in regard to British India—he could not say what Holland would do in consequence, but, looking at past experience, he thought there was no reason to doubt that they would treat us as liberally in Java and Batavia as we did them in British India. He next came to Belgium, which in her tariff was until recently equally liberal with Holland. It was true that, in imitation of France, Belgium was about to adopt a more illiberal system. There was a preference charge made by Belgium analogous to our long-voyage duty on sugar, tobacco, and such like articles, the produce of Africa, Asia, or America, imported direct from the country of their growth; and they now proposed to charge an additional duty when such goods were imported from the entrepôts or warehouses of Europe—the difference being only that we excluded the latter importation altogether from home consumption. Belgium and France admitted it, on burdening it with a differential tax. But even this was far more liberal than our system, for we did not allow the importation at all from Holland or Belgium of the produce of other countries. Belgium had now adopted the plan pursued by France; that was, not of prohibiting, but of imposing a higher duty on goods coming from a foreign entrepôt, instead of direct from the country in which they were produced. But, with regard to France, her commercial system has been nearly always exceedingly illiberal. During one short period it was not so. What could be more liberal than the arrangements entered into in 1793 by the French Minister of that day and Mr. Pitt, and which unfortunately were interrupted by the war which broke out shortly afterwards? It was now, unfortunately for France, and especially for the agriculture and finances of that great country and people, fatally true that her commercial code was unsound, restrictive, and oppressive. It had, however, one element of relief —a sort of safety valve— in its temptations of bringing into France an enormous supply through the agency of an organised army of contrabandists. With regard to our relations with Portugal, these were regulated for a long time by a most mischievous treaty; but since we had been relieved from that treaty, we stood on the same terms with respect to Portugal as with other countries, excepting, that the Portugese tariff was still one of high duties. In the case of Spain, there was no treaty except that of 1670, which, notwithstanding what was said to the contrary, he believed to be still *de jure* in force, though not in operation. Genoa had made many relaxations in her commercial system; and nothing could be more liberal than the maritime and commercial policy of Rome and Tuscany. With the Two Sicilies we had treaties of reciprocity, and they had made the offer to admit our ships from all parts of the world on the same terms as they were allowed to come direct from British ports. In the Austrian ports of the Adriatic our ships were also admitted, with their cargoes, from all parts of the world exactly on the same terms as if they were Austrian ships; and the result had been a most advantageous British trade and navigation with Trieste. No restrictions were imposed on our navigation in Turkey; and in Russia our ships were admitted as free as Russian vessels both on the long and the short voyage. Thus it would be seen that nearly all the countries of Europe now treated us much better than we treated them; and with regard to their power of successfully competing with us in navigation, they could only do so when their people displayed more ingenuity, put forth more love of adventure, exercised more energy, practised more industry and more economy in the construction and working of their vessels, than the people of this country. They could not construct ships equally durable and efficient at less cost than we could, for materials were cheaper here than they were abroad, excepting in the article of firwood in Norway and Sweden; and even in that respect we had much better wood nearly duty free for the purpose of building strong and durable ships than they had. We had taken off the duty, or reduced it to the minimum, on all timber imported from our colonies; we had abolished the duty on most of the foreign hard woods used in shipbuilding; and he hoped that an abolition of duty would be extended to all oak timber before long. He wished for the removal of the stamp duty, and all other burdens and restrictions which affected the British shipowner; but he must again repeat, that with the natural advantages which we enjoyed—with our power of commanding ample supplies of cheap and superior building and rigging materials, unless foreigners brought higher moral and physical qualifications to bear against us, we had no ground for fearing their competition. Even at the risk of tiring the House, he must refer shortly to the United States, which had been already alluded to during this debate; and whatsoever might be said as to the dreaded competition of the ships of America, he wished to take a much higher ground. He wished this country to stand in the most intimate, natural and affectionate bonds of material, political, and social alliance with the United States. When he looked at that country, and remembered that it was inhabited by a people of the same origin as ourselves—speaking the same language—who had, until a late period, a common history with us—who professed the same religion—in whose schools the same lessons were taught—and by whose firesides the same precepts were instilled, and the same social virtues implanted in their children by their mothers—when he remembered all these natural and traditional ties, it appeared to him that a close maritime and commercial alliance between the two countries was a matter worth making a great sacrifice for. But we would, he hoped, establish that alliance; and experience would prove that we sacrificed nothing—that we should mutually gain. In 1750 there were not 1,500,000 people speaking the English language living in the whole of North America; in 1759 not a British subject possessed an acre of land west of the Alleghany Mountains, or south of Georgia. When he looked back to that period, one great portion of the country was under French, and another under Spanish rule, and when there was no other craft navigating the American lakes and rivers but the bark canoe of the Indian; and then came down to a survey of the present time, when those speaking the English language govern North America from the easternmost shores of the Atlantic to the coast of the Pacific—from Hudson's Bay to South America, a part of Mexico excepted: in all which there were now 25,000,000 of people descended chiefly from British and Irish ancestors speaking and governing in the English language, and almost by English laws; and when he considered the magnitude of their products, their trade, navigation, and power, he could not but consider the connexion between England and America as one which it was the duty of both nations—of all honest men and Christians—to do the utmost in their power to cultivate and to perpetuate. But then, it was said, if you take the first step—if you abolish your navigation laws, the Americans will be able to carry cheaper than you; they will cut out your shipping, and bring in for your consumption all the tea you require from China, your sugar from the East and West Indies, and the produce of all parts of the world which you may demand either for the food of the people, or as the raw material for your manufactures. He entertained no such apprehensions. When, in the first place, he knew that labour was dearer in the United States than in England; that every article except timber—and that also in many places—which they required for shipbuilding paid a high duty—when he recollected that their ships were as expensively manned, their crews as well fed and as well paid as those of British ships, he did not apprehend that there was any danger of American vessels absorbing the commerce of either Great Britain or of the world. There would, no doubt, be a fair, just, and even desirable competition in our navigation and trade with America, and he hoped with all the nations of the world, by which all would derive benefit and aid in maintaining peace between one another; of which trade and navigation none would, or could, acquire a monopoly. He had said thus much to show that there was no reason to fear foreign competition; he would not, after detaining the House so long, dwell on the necessity of allowing British shipowners to man their ships in the way they could do so best for their own advantage, and of removing those other burdens and restrictions which now bore on our shipping, but conclude by expressing his hope that, as Her Majesty's Government had relaxed the restrictions on navigation, they were bound in fairness to do away with the burdens which unduly pressed on British shipping and the British shipowner. He would therefore support this Bill in all its stages, though he wished it were a more complete measure.

Mr. WALPOLE said, there was a considerable difficulty in reducing a question involving such complicated interests into a narrow and intelligible compass. To do this, he thought it might be regarded in three points of view, as an historical, an economical, and a national question. In looking at it in the first point of view, there would be found four great periods under which the navigation laws exhibited themselves in this country: the first was a period of restriction, the second of relaxation, the third of protection, and the fourth of reciprocity. The period of restriction commenced in the time of Richard II. In that reign the importation of merchandise into this country was prohibited except in King's ships; and Anderson, who stated the fact, stated also as a reason for its introduction, that the Legislature understood the great benefit of having one's own ships and mariners employed, instead of foreign ones. That condition of things lasted until the reign of Elizabeth; and he begged the House to remark what took place then. The severity of the restrictions under the old law, induced Queen Elizabeth to relax them, by declaring that goods might be imported or exported in alien ships, provided they paid alien duties. The payment of these duties was, to a great extent, a protection to British shipping; but still it was a relaxation of the complete restriction that had previously existed. This relaxation, however, was greater than was necessary; and, according to Anderson, it was observed with concern, that the merchants of England were beaten by the Hollanders, who endeavoured to monopolise the carrying trade of the world, bringing the produce of the British-American plantations over to England, while English ships were rotting in our harbours. It was not likely that this state of things would long be tolerated, and hence arose the origin of the navigation laws. The energy, the activity, and the sagacity of Cromwell perceived that the law of Elizabeth was detrimental to English ships and English seamen, and he it was who therefore introduced the colonial system, which was immediately afterwards followed up by the navigation system—and these two systems were consolidated into one by the famous Navigation Act of Charles II. The origin of that law was not merely a jealousy of foreign Powers; it was a plan to prevent the decrease of British shipping. Then commenced the period of protection. And what was the consequence? Did the Hollanders beat the English any more? Did English trade and commerce fail? Did the absence of competition produce those disasters that were supposed to result from an imaginary monopoly? Facts were the most forcible eloquence. The tonnage of England at the Restoration amounted to 90,000 tons; it was doubled at the Revolution; again it was doubled at the accession of the House of Hanover; and again it was doubled at the general peace—until at the fourth period it amounted to no less than 2,600,000 tons. These facts were clear proofs that the navigation laws of Charles II. were not prejudicial to the increase of English shipping: but, on the contrary, that they encouraged a maritime people in maritime pursuits. In addition to this they raised a vast commercial marine, they trained up a race of skilful shipwrights, they effectually manned the Royal Navy, they gave us a triumphant and victorious fleet, to which this country owed much of its wealth and greatness. The fourth period, which commenced at the time of the general peace, may be considered as the period of the reciprocity system, and it consisted at first in establishing the principle of equal charges, and equal duties. And this was the cause of it. The United States retaliated on this country, and it was soon discovered that while both countries were hostile, both were suffering; so that each perceived that both would be gainers by mutual relaxations and mutual concessions. But then he begged the House to mark the wide distinction which existed between relaxation of an injurious operation of a law, and an absolute renunciation of the law altogether. This distinction appeared to be forgotten by Her Majesty's Ministers. Having once conceded these relaxations to America, they could hardly be adopted without being extended to other countries. Accordingly the same principle was extended to other nations who were willing to trade with us on equal terms. Though these relaxations were a matter of necessity, yet he was bound to say they had not proved detrimental, but advantageous to the British shipping interest. He arrived at that conclusion, not only from listening to the able statement of the right hon. Member for the University of Oxford, but from two comparisons which he had instituted with a view to test the advantages of the new system. It must be remembered that you could not judge of a system from local or peculiar circumstances only. You must test it also by general results. He had, therefore, taken three periods with the view of ascertaining a fair result. He had taken three periods of ten years each—from 1815 to 1825—from 1825 to 1835—and from 1835 to 1845. He had taken the comparative tonnage and the number of men employed by the foreign and by the British marine during those periods. He believed he was accurate as to results. He found during the ten years of the first period that the tonnage of British and foreign vessels increased in an equal ratio. After Mr. Huskisson's alterations were adopted, some increase in British shipping followed, with some decrease in foreign shipping. This was to some extent a confirmation of the prudence and policy of Mr. Huskisson's alterations. In the third period, from 1835 to 1845, he found that both foreign and British vessels had both of them increased, but not quite in an equal ratio. The foreign shipping had rather the advantage. Still, on the whole, he thought that the fair inference was in favour of reciprocity. In order that he might further ascertain the value of this test, he adopted another test. He took the year preceding the year 1815 and the year after 1845. He compared the tonnage of the British and foreign shipping, and the result was that he found both had increased enormously; but the advantage of increase was on the side of British shipping. This result impelled him to the conclusion that the reciprocity system, forced on us by necessity, and not by choice, had not, on the whole, been disadvantageous to this country. The facts were then, he found, in 1814, that the British tonnage was 1,294,500, the foreign 599,287. In 1846, the tonnage had increased—British, 4,294,730; foreign, 1,802,820. On comparing the increase of 1846 over 1814—the result of the new policy appeared to be that British tonnage had increased 239 8-10, and foreign, 210 2-10 per cent. The conclusion, then, at which he arrived from a consideration of these tables was, that the reciprocity system, on the whole, was advantageous, and it need not create any unnecessary alarm to the shipping interest. But then, he drew this further inference, which he begged to press most earnestly on the House, that if the system of fair reciprocity had worked thus advantageously, why do away with that system, and why seek to abolish the navigation laws altogether? If they found from past experience that certain results have followed a certain plan, would it not be wiser to follow the course which had produced those results, rather than resolve to alter it entirely? This was the safer and more prudent course; and these were the inferences he was induced to draw from the historical view of the question. But when he was asked whether he did not see anything in the existing laws which required alteration, he answered, alteration was one thing—repeal another. If alteration were wanted, let it be shown; but the onus of proof rested on those who sought the change. Now, those who wished for repeal, altogether proceeded entirely on the commercial and economical consideration of those advantages which it was so easy to promise, but so difficult to accomplish. This would lead him to the economical view of the question; and here he felt the pinch of the case with regard to the hon. Gentlemen who wished for repeal. He had endeavoured to frame to his own mind a clear conception of the different advantages which were alleged as likely to be derived from the repeal of those laws. For that purpose he had read every word of the evidence taken before the Committee of this House, and also before the Committee of the House of Lords. These advantages he saw, or thought he saw, might be thus summed up—increased facility to trade, by reducing the expenses and removing restrictions on all commercial operations; and thus, while it benefited the merchant and manufacturer, because it would enable them to carry on their business with greater facility, it would also benefit the people at large, because it would tend to lower freights, and the lowering of freights would lower prices. This, he conceived, was a fair statement of the economical and commercial part of the question. He was not going to dispute that to a certain extent we should gain; but then, viewing the question in an economical, apart from a mercantile, light, the doubt naturally presented itself whether the gain which was expected as likely to accrue would be equivalent to the loss which it was apprehended would occur. It was difficult, he owned, to deal with the subject with certainty and precision; it was difficult to know what instances to select; but it would be fair to take those which were most relied upon in the evidence of the Committee before this House. Now, he found there that three of the greatest points relied on as showing the gain likely to arise to the consumer from repeal, in consequence of the supposed reduction of freights, were the three articles of sugar, cotton, and wool. With regard to sugar, it would be found, from the evidence, that the complaint of the high freight of sugar resolved itself into this form—that when imported into this country in British ships, the freight was 4*l.* per ton; but when imported in vessels from Hamburgh or Bremen, it would be 3*l.* per ton, the difference being just 1*l.* per ton. Grant, then, the difference to be 1*l.* per ton, and he would just see what the consumer lost by the present freight, and what he would gain if the laws were repealed. Why, it was a little more than three-tenths of a farthing per lb., and that was the utmost he would really get by it. With regard to cotton, the freight of which was ½*d.* per lb. from New Orleans, the gain to the consumer, if the freight were reduced 25 per cent, would be 1½*d.* in the price of a 20*s.* dress, ¾*d.* in the price of a 10*s.* dress, and ⅜*d.* in a 5*s.* dress. Another of the great complaints was the high freight of wool. One gentleman in his evidence stated that the freight of wool from Australia was 1½*d.*, and if repeal occurred, it would be 1*d.* The difference to the consumer would be only ½*d.*, and this would amount to just 2*d.* in a gentleman's coat, since a yard of fine woollen cloth took 2 lbs. of wool, and a gentleman's coat took 2 yards of cloth. Now, he did not mean to say that the consumer's actual gain was all the gain that would arise directly or indirectly from the change. But when they asserted that the consumer would gain by lowering freights, and made that one of the arguments for change, it was right to see what the amount of that gain really was, without reference to the gain of the importer or manufacturer. He might go through many other articles, and show that the result was much the same; and hence he thought that by this argument he had proved that the direct advantage to the consumer was almost nothing. Seeing, then, that that was a fair view of the gain to the consumer, let them now look to the other side of the case, and ascertain, if they could, the loss to the shipowner. He would not go into an analysis of the evidence, with a view of showing whether the carrying trade could be conducted cheaper here than abroad. It would be impossible, from the evidence, to arrive at any definite conclusion on that point. He thought, however, that in some cases vessels might be built, manned, and provisioned abroad much cheaper than here. But if the point were doubtful, it was enough for his argument, because he contended that unless the gain to the consumer was great, we were not justified in sacrificing for a trifle the interest of the shipowner. What, then, he asked, was the amount of capital invested in ships? About 40,000,000*l.* There were 16,000,000*l.* more of capital embarked in trades connected with shipping; 11,000,000*l.* were employed annually in repairing and building ships; there were 80,000 workmen employed, whose wages amounted to 5,000,000*l.* annually; and he found from Mr. Porter that the number of men and boys employed in the shipping was 240,000. From the same source he also found that the tonnage was upwards of 4,000,000, and that the amount obtained for freight, which they were going to transfer to other nations—["No, no!"]—amounted to between 25,000,000*l.* and 30,000,000*l.* sterling annually. Hon. Gentlemen opposite said they were not going to transfer the freight to the foreigner. If the amount of freight remained here, then he admitted the shipowner would not sustain injury; but his argument proceeded on the assumption that the point was doubtful, and that this being so, the amount of gain was not equivalent to the anticipated risk. He would again say that the onus of proof rested on those who sought the change. There was also another consideration which ought not to be lost sight of. Supposing the point to be only doubtful, and supposing that in the progress of time it should ultimately turn out that the mercantile navy was diminished, and the shipping interest depreciated, would they ever be able to restore the repealed laws and replace the shipping which might thus be destroyed? Remember it required the accumulation of centuries to make the Navy what it now was; when, therefore, they reduced that interest to any great extent, would it not be too expensive to be easily renewed? would it not happen, as many thought, that once lost it was lost for ever? The hon. Member for Stoke-on-Trent had constantly urged the House to do away with monopoly, and establish competition. But he should be glad to know where that monopoly was? There was no restriction against employing British capital in British shipping; and if there was relatively a greater profit in this than any other trade, capital would necessarily flow into that channel. But, in fact, profits had not been made by the shipping interest. To do any good by reduction of freight, you must reduce to the extent of 25 per cent. If this were done, the shipowner could not be expected to carry on his trade; and that would be the result of increased competition. There was really, it was shown, no monopoly, and this was proved by the hon. Member himself when he moved for returns with reference to certain enumerated articles. If you look at those enumerated articles, you will find that half were carried by British and the other half by foreign vessels. After that statement, it was hardly possible to contend that the shipping trade was a monopoly. He had one remark to offer, as to the effect of competition. Competition was an excellent thing under most circumstances, but it was not applicable to all trades; for if a trade was necessarily connected with the national defences, you could not allow so great a competition in it as to drive away capital from it, when you could not do without it. But since the advantages of all competition proceed on the principle that capital must always be sent in that direction in which it could make the greatest profit, he would then ask whether they could apply that principle to a trade which had become a national necessity, especially when the effect of that application might be to turn away the shipbuilder from our own ports and docks to those of a foreign and a rival Power. Though the principle was applicable to barter and exchange, it was totally inapplicable to national interests. He had now dealt with the economical question as fairly as he could, and he turned in the last place to consider the question in a rational point of view. That was the most important consideration, and he would ask the House how had the Government thought fit to deal with it? In the course of last year they brought in a measure on most imperfect data. They had a Committee upstairs, who examined a great variety of witnesses on one side, and few, very few, on the other. They never reported to the House their own views of the case; and the evidence which they took upon the most important feature of it—its national effects—depended on the testimony of Sir James Stirling alone. The Committee of that House ought to have worked out a number of facts which were left untouched. They never reported on the subject at all; and yet the Government brought in their first Bill, with their incomplete and partial information, and that too while a Committee in the other House were actually sitting. When he read the evidence given before that Committee, he found at once that the palpable deficiency in the testimony given before the Committee of the House of Commons was admirably supplied by the Committee of the House of Lords. The report of the Lords was full of evidence of the most interesting character. Their Lordships examined the Vice-Admiral of England, Sir Thomas Cochrane, and other eminent naval officers; and, he presumed as the result of that evidence, that they one and all of them concurred in the opinion that the repeal of the navigation laws would endanger our mercantile marine; and that they considered the efficiency of our mercantile marine was the foundation of our naval and national strength. With regard to the supply of skilful shipwrights and able seamen, if he looked to the evidence of Sir Byam Martin, he declared that the royal dockyards could not be supplied on a sudden emergency, except by going to the yards and docks of private individuals. That gallant officer told their Lordships that when the war broke out, and chiefly in the last war, there were upwards of 500 vessels built in private yards. But peace as well as war, may have its emergencies, which it would be dangerous to overlook. Thus it appears that some years ago, when the pamphlet of the Prince de Joinville appeared, and the Navy was thought to be in an inefficient state, the Government raised at a moment's notice 1,500 men from private yards to make it efficient. That object was accomplished, the State was benefited, and these men returned to their work and former occupations without any burden whatever to the country, except the cost of their temporary employment. So much, then, for the supply of skilful shipwrights: it could only be obtained from private yards, if it was wished to keep up the Navy at all times, and under all emergencies, in a fit state. Now, with regard to the manning of the Navy, the Vice-Admiral of England, Sir Byam Martin, told their Lordships that the victory of the 1st June, 1794, could never have been gained had it not been for the merchant service, which had filled the fleet with able seamen. The same gallant officer has also stated, that at the time the war broke out, we had not so many as 20,000 men, and they were scattered all over the globe; but that in a very few months that number was doubled. It was the merchant service which enabled us rapidly to man some sixty sail of the line, and double the number of frigates and smaller vessels. It was by promptly bringing together 35,000 or 40,000 seamen of the mercantile marine, in addition to those who were previously in the service, that Admiral Gardner could protect the West Indies; that we were equally secure in America and the East; that Lord Hood had twenty-two sail of the line in the Mediterannean, to occupy Toulon, and capture Corsica, while Lord Howe swept the Channel with 27 sail of the line, and kept it clear. He had now gone through the great heads of this measure; and in respect to minor points, he knew it might be said, "Well, then, will you keep up the laws as they are, notwithstanding we point out to you certain glaring defects in them? Now, he, for one, would make this simple answer to that proposition. On this, as upon all occasions when a difficulty was proved, he would apply a remedy; and if proofs of their defects were established, then he conceived that the wisest policy of any Government was to draw their measures from the results of past experience, and to see whether their own law as it then stood did not in fact furnish them with principles by means of which improvements in the law might not be effected. These principles were, if he understood them right, the principle of protection, combined at the same time with the principle of relaxation. By the principle of protection, the law required that all our merchant ships must be manned by a crew composed of three-fourths of British seamen. But when occasion required it, those laws admitted of the principle of relaxation; for when it was necessary, the Queen could dispense with the number of British seamen, and this had been done in cases of emergency. On the principle of protection, the intercourse between the colonial possessions and this country was almost exclusively in favour of our own shipping; but on the principle of relaxation, the Queen in Council could make the ports of the colonies free ports, and, in addition to this, the Sovereign in Council could establish a perfect system of reciprocity between her possessions and foreign States, if like duties were exacted by both. Here, then, they had two classes of principles which might be carried out, if occasion required it; and these were the principles which he approved of, and which he thought the Government should now pursue if they wished to apply appropriate remedies. In short, if he were asked what he would do, his answer would be, exactly the reverse of what the Government were doing. Instead of repealing laws, with a power of retaliation when it was deemed necessary, he would retain those laws with a power of relaxation. The power of retaliation could only be exercised in promoting hostility and exciting discontent. But it was the duty of legislators to throw around the Crown all the grace and benignity possible, in order that every thing in our foreign relations should wear a friendly and not a hostile aspect. But then it was said—"What will you do with the favoured-nation clause which certain

States enjoy?" His answer was, he would not interfere with it. For what were they now about to do? They were about to repeal the laws altogether; and to enable foreign countries to send their ships with perfect freedom to this country. Well, then, suppose they entered into a treaty with the United States, with this condition that we would give them perfect freedom to send their ships not only to this country but also to our colonies, if they would give us perfect freedom in return, and then any favoured country would be bound to abide by the same principle. He said they could not complain; but they might adopt it. These were the reasons which induced him to question the propriety and policy of the change that was proposed. In a commercial point of view, it might possibly increase the national wealth: in a political point of view, it would, probably, impair the national strength. Therefore, he would prefer to err, if it were an error, with that great man who had been justly designated by the right hon. Baronet the Member for Tamworth as the Newton of political economy. Yes, he would prefer to err with Adam Smith, who rightly deemed that defence was more important than opulence. Rather than be deluded by the deceitful lights which the right hon. Gentleman the President of the Board of Trade had so dexterously held out, whereby they should be drawn into the shoals and shallows of political economy—instead of accepting the precipitate measures which the noble Lord, as the head of a party, urged on by supporters more eager than himself, had been induced to propose—he would rather adopt the deliberate sentiments of the noble Lord as an author, when he recognised the exceptions as well as the principles of Adam Smith—observing emphatically that, "without going the length of the Venetian proverb, *Pria Veneziani poi Christiani*, I would say, 'Let us first be Englishmen and then economists.'" That sentiment was worthy of the noble Lord, and of a Minister of the British Crown. Believing that though they might acquire some pecuniary advantage, yet that as Englishmen they would suffer in their national interests, he (Mr. Walpole) could not accede to an alteration of the law which the right hon. Member for Stamford had reminded the House had been described by the great authority already referred to as "among the wisest of our commercial regulations." It had given them safety and independence at home; it had afforded security to their colonies abroad; it had protected their trade in every part of the world, and it would protect it, if the laws were not repealed, against all risks and chances of war; and while it had done this effectually and completely, it had also preserved to them that supremacy on the ocean by which, more than once, they had been able to bid defiance to the world whenever her honour and interests were assailed. In conclusion, therefore, he would only add in language more striking and far more beautiful than any he could command—if his hon. Friend the Member for Buckinghamshire would pardon him for borrowing it:—

> "I cannot incur the responsibility, by my vote, of hazarding an empire gained by so much valour, and guarded by so much vigilance—an empire which is broader than both the Americas, and richer than the farthest Ind; which was cradled in its infancy by the genius of a Blake, and consecrated in its culminating glory by the blood of a Nelson—the empire of the seas."

Sir J. GRAHAM: Sir, I have hitherto abstained from trespassing on the indulgence of the House by the expression of my opinion on this most important subject; but when it is remembered that I once had the honour of presiding over the Board of Admiralty—that the Act in its amended form with reference to merchant seamen, and the Act as to the registration of seamen, have been accepted by the House upon my Motion, and were introduced and prepared by me; when it is remembered that I have never ceased to take the most lively interest in naval affairs, being convinced that to the commerce of this country and to the navy of this country we owe that supremacy which is the arch of our power, and which still stands unshaken amidst the convulsions of the world—when all this, I say, is remembered, I hope I may be excused if I feel anxious to give my opinion on this measure before it is submitted in its final form to the final judgment of the House. Sir, I rise with mingled feelings to follow the hon. and learned Gentleman who has spoken last. I rise with heartfelt pleasure, after having listened to a speech so worthy of the name and reputation of the hon. and learned Gentleman—to a speech in its tone and temper so acceptable to the House. But I must at the same time express my regret that it becomes my duty to follow the hon. and learned Gentleman, and I do so because I feel deeply the disadvantage under which I labour, in presenting myself to the House after the delivery of a speech distinguished by so much ability as that which has characterised the address which we have just heard. Sir, the right hon. Gentleman the Member for Stamford, in moving that this Bill be read a third time this day six months, expressed a hope that commerce would speak aloud and declare its opinion, and he relied in a manner, somewhat strange, upon certain petitions from the outports, signed no doubt by persons of respectability, but by an utterly insignificant portion, so far as numbers go, of the inhabitants of the places in question. But being desirous, Sir, that this measure which we are debating should succeed, I cannot but regard it as an auspicious omen that the Bill is brought forward by the First Minister of the Crown on his responsibility, that Minister being the representative of the city of London, the emporium of the commerce of the world. We then hear of the petition signed by 20,000 of the citizens of London, and of the name of Baring in connexion with it. Now, Sir, I see on the Treasury bench opposite the head of the family of Baring—that family which for generations has produced the first merchants of England. I see that right hon. Gentleman—my right hon. Friend, if he will permit me to call him so—entrusted by Her Majesty with the high office of presiding over the Royal Navy of this country. I know the character of that right hon. Gentleman; I know that he is a man of great official experience; I know that he is a man of fortitude and firmness of resolution; and I cannot for one moment bring myself to believe that he would be a party to the passing of a measure which in his conscience he felt reason to believe was injurious to the character and welfare of that commercial navy to which he and his family have been so much indebted—much less do I think it possible that he could be an assenting party to a measure which, in his judgment, risked the power and greatness of the Royal Navy, more especially confided by Her Majesty to his care. But my hon. Friend mentioned Liverpool. Why, the two Members for Liverpool have voted for the Bill. The two Members for the city of Glasgow voted for it. The hon. Gentleman, I think, also referred to Newcastle. The two Members for Newcastle voted for the Bill. The hon. and learned Gentleman also referred to the commerce of this country, and asked where we were to look for trade and commerce, if not in the West Riding of Yorkshire? One of the representatives for the West Riding has already voted on this question; the other is in his place, and has just returned from his constituents. That hon. Gentleman knows something of the sentiments of the people of the West Riding, and we shall see whether he is prepared to record his vote against the third reading of this Bill It is needless to refer to petitions; the opinion of the trade and commerce of the country is to be collected through the voices of the representatives of the people, and if we consider the opinions of the people's representatives of these great emporiums of commerce, we shall find them to be the same as those expressed on the part of Liverpool. I will now return, however, to the speech of the hon. and learned Gentleman. Considering the immense extent of the subject, I think that the division into which he has broken the discussion is a very convenient one, and I readily adopt and will endeavour to follow it. The hon. and learned Gentleman subdivided the subject into three great heads—historical, economical, and national; and I will endeavour to address myself to these points in the order which he has selected. And, first, with respect to the historical view of the subject, I think it highly expedient that we should look back to the history of these navigation laws. I will not shrink, in the least, from taking that view. I do not say, however, that it is necessary for my present purpose to trace the origin of these laws in the reign of Richard II., or to follow out their relaxations in the reign of Elizabeth. It will be sufficient to refer to the third great period to which the hon. and learned Gentleman alluded—namely, the period when these laws were consolidated, in the reign of Charles II. Now, I always understood that the real origin of these laws was to be traced to that old mercantile system which I thought had been long ago exploded and rejected—a system which consisted of a commercial struggle between nations as to which should attract to itself the largest portion of the precious metals, and which regarded the means of arriving at that end to be this—that a gain by each nation could only be obtained by an equivalent loss on the part of all the others. That, I conceive, to have been the mercantile system which has long been exploded, but which I must say I see symptoms on the part of some to endeavour to revive and restore to practice even in this our day. But my hon. and learned Friend will pardon me if I say that in his historical facts he has not been altogether accurate. He said that the effect of the passing of the Act of Charles II. was to assist the mercantile interest—that commerce had been languishing, and that the effect of that Act had been to revivify and restore it to prosperity. Now, speaking from memory I think I am correct in saying that immediately after the passing of that Act, Roger Cook, in treating of the subject in 1670, stated that the immediate effect of passing the navigation laws had been to drive British ships out of the trade both with Russia and Greenland—that by lessening the resort of strangers to our ports, the effect had been most injurious to our commerce. Another writer, Joshua Child, admitted that the economical effect of the law had been to destroy the Baltic trade—greatly to diminish our shipping, and to increase proportionally the foreign shipping employed in that trade. At a later period, in 1791, Sir Matthew Decker, whose opinions should be received with the greater caution because he is opposed to the navigation laws—this writer says that the object of the navigation laws was to increase the number of our seamen, and to add to our shipping, but that they had produced an opposite effect—that they had diminished the number of seamen, and diminished the tonnage of our shipping; and he goes on to say that this was done at the same time that enhanced freights entailed a needless and heavy burden upon the community. Then comes an authority upon whom great reliance is placed in these matters—I mean the authority of Adam Smith. Speaking also from memory, and not giving his exact words, I think Adam Smith says that the navigation laws are inimical to commerce, and to that prosperity which commerce generates. He says, it is the interest of a nation always to buy as cheaply as possible, and sell as dearly as possible. By an odd coincidence this is the very passage in which he lays down the canon of trade, which the protectionists so much despise, of buying in the cheapest and selling in the dearest market. And, for that purpose, he goes on to say, it is desirable to have the greatest number of sellers in the market, because, having the greatest number of sellers, you can secure the greatest number of buyers. He goes on to admit that the effect of the navigation laws is to diminish the number of sellers and the number of buyers, and that under this system we sell cheaper and buy dearer than we should under a perfect system of free trade. Speaking from memory, I believe those are the sentiments of Adam Smith. To that high authority—to the opinion of that "Newton of political economy," I think the hon. and learned Gentleman will not refuse to defer. We then come to a period when, not from choice, but from necessity—when, after a war with France of unexampled duration—we were driven to relax our system of navigation laws, and enter into reciprocity treaties with the United States. Europe had been paralysed by that war; her commerce had been blasted and withered, and had not had time to recover itself, when, towards the year 1824 or 1825, the pressure on the commercial intercourse between this country and the Baltic became so great, from growing competition and threatened exclusion from foreign ports, that it became a question whether we should exclude ourselves from these important European marts, and, yielding to necessity and not to choice, we introduced relaxation into our system, notwithstanding the resistance offered by the shipping interest. Now, my hon. and learned Friend has stated that he is very much attached to the principle of reciprocity. I admit that at the time that principle was introduced by Mr. Huskisson, it was, considering what had been the rigorous character of the navigation laws, both wise and politic; but still, in the abstract, I do not see how we can attach much value to the principle of reciprocity. I cannot help thinking that it makes the interest of others the measure of our interest—I had almost said it makes the folly of others the limit of our wisdom. But I have another objection, and that is to a clause in the Bill, the third reading of which, however, I shall heartily support. With respect to reciprocity and to retaliation, which is reciprocity in another shape—as a general rule I would rather leave the navigation laws as they are than adopt that principle. The retaliatory clause, I believe, is to be called into operation only in cases of extreme necessity and exception; if it were otherwise, it would, in my opinion, constitute a great and fatal objection to the Bill. For what is retaliation? It is this—because some foreign nation does that which is more injurious to herself than it is to you, in the spirit of blind, vindictive passion you proceed to do that which is more injurious to yourself than it is to your rival. To reciprocity and to retaliation, as a rule, I am opposed; but I am prepared to give my assent to this Bill, because on the whole, I am satisfied that, without having recourse either to retaliation or reciprocity, considering the character of the people of this country, considering their capital, and their undaunted courage upon that which may be considered almost as their natural element, considering their great superiority as sailors, and the advantages they possess in the race they have already run—I am satisfied that any measure which shall thus throw open and augment the commerce of the world will have the effect of increasing the commerce of this country. The lion's share of that addition, will, I think, fall to her lot. I believe that her shipping will be increased, the number of her seamen augmented, and that this can take place, and will take place, consistently with the maintenance of the principle for which my hon. and learned Friend has contended, and to which I am prepared to give my assent—I mean the superiority of our commercial marine. Sir, I support this measure without apprehension, believing that it will have the effect of increasing our commerce and the number of our seamen, and thereby of adding to our maritime strength. I would just observe that, in my opinion, every reason which existed in the time of Mr. Huskisson for the relaxation of this system, exists in a stronger degree at the present moment. I cannot regard with the indifference which my right hon. Friend the Member for Stamford would seem to regard them, the communications recently received from foreign Powers. The right hon. Gentleman the President of the Board of Trade, on a former evening read a passage from a letter delivered in 1847 by the Prussian Minister to Her Majesty's Government. Without troubling the House by reading that letter again, I will content myself by stating that it contained a distinct intimation from Prussia, that unless we proceeded with further relaxations, the exact type of our measure of exclusion should be hers. Our treatment of Austria, too, at the present time, is such as we have been told will not be suffered to continue. Our treaty with Russia expires in 1851, and we have a distinct intimation from that Power, that unless we revise our navigation laws, that treaty under which we enjoy peculiar advantages in favour of our shipping, cannot longer be kept on foot. Look, again, at the United States. The United States say to us, as to all the world, that with the exception of the coasting trade, which, I think, ought no longer to be in issue between us—the United States says, that whatever other nations shall grant to her, she will grant to them. [Mr. HERRIES: The United States referred to the differential duties only.] Yes; but what I have stated is the spirit of the intention animating the United States; nay more, it is embodied in an act of Congress patent to all the world. Look, again, at the Zollverein. Last year it was stated before the Committee, and not then under circumstances so favourable as the present, that there was a well-founded apprehension entertained, that if we adhered so rigorously to the principle of our navigation laws, it would become part of the policy of the Zollverein to extend its influence to Hamburg and Bremen and other places, not at present joining, and to establish exclusive rights of navigation; and it was also stated that unless this country took care in time, she might expect that British commerce in Germany would be placed on the footing of the least favoured nation. But in a speech of Mr. Huskisson's in 1826, he gives expression to an opinion on this subject, so exactly in accordance with the view I entertain myself, that I do not think I can do better than read it to the House. It is said that Mr. Huskisson cannot be cited as an authority in favour of this Bill; and that he was so satisfied with reciprocity that he did not lay stress upon the necessity of the freedom of commercial intercourse. The passage I am about to read will, I think, remove that erroneous impression. Mr. Huskisson says—

> "In this altered state of the world it became our duty seriously to inquire whether a system of commercial hostility, of which the ultimate tendency is mutual prohibition—whether a system of high discriminating duties upon foreign ships, with the moral certainty of seeing those duties fully retaliated upon our own shipping in the ports of foreign countries—was a contest in which England was likely to gain, and out of which, if persevered in, she was likely to come with dignity or advantage? I will lay aside, for the moment, every consideration of a higher nature, moral or political, which would naturally lead us to look with some repugnance to engaging in such a contest. I will equally lay aside all consideration for the interest of our manufactures, and for the general well-being of our population, who as consumers would obviously have to pay for this system of custom-house warfare, and reciprocal restrictions; and I will view the question solely in reference to the shipping interest."

It is in such a view that I am disposed to regard this question. Mr. Huskisson then says—

> "In this comparatively narrow, but, I admit, not unimportant, view of the question, I have no difficulty in stating my conviction—a conviction at which I have arrived after much anxious consideration—that, in the long run, this war of discriminating duties, if persevered in on both sides, must operate most to the injury of the country which, at the time of entering upon it, possesses the greatest commercial marine. How can it be otherwise? What are these discriminating duties but a tax upon commerce and navigation; will not the heaviest share of the tax fall, therefore, upon those who have the greatest amount of shipping and trade?"

Now that appears to me to be the pith of the whole argument — these navigation laws can only be regarded as a tax on the commerce and navigation of the country. But the real question is this: will the repeal of the navigation laws injure that commercial marine which is the mainstay of the Royal Navy? If I could bring myself to entertain such a belief, I should not vote for this Bill; but, entertaining no fear on that point, I have made up my mind to give my support to the Bill in its present shape. The hon. Gentleman the Member for the county of Oxford, in debating this matter on a former occasion, laid down two general principles, to which I fully assent. He said that our commerce was the foundation of our marine, and he went on to show that ships do not create commerce, but follow it. Nothing is more true; and the question will then present itself, in what shape can we, with the greatest certainty, increase our commerce, and thereby our marine. I may be asked what will be the effects of the repeal of these laws. I believe the first effect will be to lower freights; next that it will tend to the increase of our exports and imports; that will stimulate trade and consumption, and stimulated trade and increased consumption will inevitably lead to an increase in the number of our seamen and of our ships. It may be said, that this is true of the seamen and the shipping of the world at large, but that it does not follow that Great Britain will maintain the enjoyment of the largest share. My hon. and learned Friend has referred to a document moved for by the hon. Member for Stoke-upon-Trent. When in 1847, at the period of the famine, the Government suspended the navigation laws, what was the consequence — what was the effect of that suspension? *Pro tanto* it facilitated commercial transactions for obtaining the required importations; but what was the effect upon British shipping? Was that corn imported from the country which produced it? And who were the carriers? The paper moved for by the hon. Member for Stoke-upon-Trent, will show that during the period of that importation, so far from the ships of Great Britain not having their full share in the carriage, that the corn imported was in a larger ratio conveyed in British ships than in those of foreign countries. But will the House allow me to trace to them the progressive increase in our seamen—a consequence, as I think, of the relaxations introduced into the reciprocity treaties of Mr. Huskisson. The number of British seamen in the year 1824, was 175,000; but the number progressed until in the year 1847 it was 223,000; and we find that every relaxation under reciprocity treaties has been attended by a progressive increase in the number of British seamen. Official experience, however, of reciprocity treaties, shows them to be of so complicated a nature, that it is difficult to determine what our treaty arrangements with respect to reciprocity really are. The House will remember what was done under the administration of my right hon. Friend the Member for Tamworth. It is not now expedient to argue the distinction which at the time was made between the slave-labour sugar and free-labour sugar; but when we intended to admit free-labour sugar, as contrasted with slave produce, we found ourselves hampered by arrangements. We could not refuse admission to the slave-grown sugar of the United States and of Venezuela; and the question arose as to the admission of Cuban sugar under treaty with Spain—a question argued with consummate ability by my right hon. Friend the Member for the University of Oxford, to whose opinion I inclined. Spain found herself highly opposed to our interpretation, and the question was felt to be so complicated, that had the subject been referred to an arbiter, the result would have been doubtful. I refer to this merely to show the difficulty of carrying this system of reciprocity into effect; and, therefore, I think it preferable, unless the danger of such a course can be shown to be imminent and substantial, to repeal these Reciprocity Acts. I think that nothing but the risk of danger to our marine can justify their continuance. The hon. and learned Gentleman has referred to the effect upon the consumer in the price of cotton and wool which this change would occasion, and he has laboured to show that it would be insignificant; but I must remind him that the direct increase of price to the consumer forms only a small part of the entire question. It is the indirect effect of these enactments, as bearing upon the whole community, that constitutes the principal objection to them. Without going into minute details, but just taking a glance at the different classes of the community, I would ask, in the first place, how these laws affect the merchant? To the merchant it is a matter of importance to have his freight as low as possible. In this period of peace, when he is thrown into competition with all the world, what is apparently only a small increase in the freight, is a profit upon the whole transaction. Under these laws, cochineal cannot be brought from the Canary Islands, because those islands are held to belong to Africa. The wine merchant trading with Lisbon cannot import the wine of Madeira from Portugal, as Madeira is held to belong to Africa. So with the trader with Bordeaux, the great emporium of gums. He is precluded from getting in France his dyes and gums from Senegal on the same ground; and traders with Antwerp, Amsterdam, and all the ports of Holland, for Oriental and Batavian goods, are prevented from carrying on their operations by these laws. Such impediments, I feel satisfied, only occasion losses to the trader. He may compensate himself by increasing the price to the consumer; but the indirect effect of these impediments is to injure commerce to an extent which it is almost impossible to calculate. But, turning from the merchant to the manufacturer, what do we find? The great object of our policy for the last four or five years has been to lower the price of the raw material. The hon. Member for Manchester is wisely anxious to facilitate the growth of cotton in India. Now, our subjects in India, those who fight by the side of our own soldiers, and help to win our battles, exhibit a heroism not unworthy of alliance with the British cause. But Hindoo sailors, although they are permitted to make up a complement in a vessel homeward bound, are not held to be British subjects; and on the outward voyage they are rejected as British seamen, and they are sent back to India at the expense of the shipowners, and the cost of the cargo is, therefore, enhanced. Take the case also of wool from Australia, or cotton from New Orleans. A demand here for those articles may be very great, but, by the impediments you interpose, you prevent their importation in the cheapest mode at the most desirable moment. Then your manufactured articles have not the opportunities of being exported with the greatest facilities. Foreign ships, making up a cargo for the British colonies, cannot take a single article of British manufacture. All this, I should say, places our manufacturers under a very considerable disadvantage. You may go a step further; for when the demand for cotton, for instance, is slack in France, they cannot draw American cotton from Havre. What is their position with regard to manufactured articles? Java sugar must not be brought from Holland in a raw state—refined, it may be imported. Copper from Cuba, in its original state, must not be brought from any country in Europe—smelted it may be imported even from Hamburg. With regard to woods too, Brazilian wood, must not be imported from any European port, but as furniture—when the wood is converted into furniture, to the manifest disadvantage of the manufacturer here—it may be imported. I am now considering this in a cursory manner, only because I cannot do more. I will now turn to the colonies, and here I must express my astonishment at the language held with respect to the colonial part of the case by a Gentleman of such high station—one who has held such responsible offices—as my right hon. Friend the Member for Stamford. Now, how does he dispose of that part of the case? First of all I must meet him upon a matter of fact. He says the colonies have not remonstrated generally. I think Antigua has remonstrated—I think Ceylon has remonstrated—I am quite sure Trinidad has remonstrated through Lord Harris once and again, and with reasons so cogent, that even my right hon. Friend could not overlook them. Jamaica, a year or two ago, remonstrated in the strongest manner. What has since occurred, as I am not in the secrets of the protectionists, I do not know; but Jamaica, in 1847, did remonstrate in the strongest manner against our navigation laws, and said that the only compensation that could be given to them for our admitting slave-labour sugar to our markets, upon anything like equality of terms, would be found in giving them every facility of low freights for sending their produce to this country. But, after all, this is only secondary to the case of Canada.

Now I may be wrong, but looking at the circumstances of the present moment, to which my right hon. Friend more immediately referred, I have the strongest conviction that, unless you go back upon your policy with respect to the corn laws, and impose a protecting duty on foreign corn, as distinguished from the corn of Canada —unless you take that step, and reverse your policy, if you maintain your navigation laws the loss of Canada to this country is inevitable. I speak on no slight authority. This is no new view of the subject. I am about to call your attention to an authority with regard to Canada pronounced many years ago—an authority which will obtain respect so long as public virtue and great talents are highly esteemed. That authority goes so far back as the year 1826, and the opinion is that of the late Mr. Alexander Baring, delivered in the debate—to which I have already adverted—on Mr. Huskisson's Motion with respect to foreign shipping. He used these memorable words in the year 1826—words given as a solemn warning to this country. He said—

> "With reference to our colonial system, he would say of the North American colonies that their situation was such that it was not possible to preserve them but by giving them all the advantages of a free trade, and attaching them to us by acts of kindness and liberality. If, therefore, it was desirable to preserve them, the system on which the right hon. Gentleman had acted was necessary; as, since the American war, these colonies had felt their own power, and knew their own interest; and it was not possible to retain them by violence, or to subject their trade to unnecessary restraint."

That was the warning given by the late Lord Ashburton, so far back as the year 1826; and if it was true then, as I believe it to have been, how much more irresistible is the truth of that warning now. Again, I repeat that I am convinced that, having placed their produce in the British market upon terms of equality with American produce, if you do not place the means of transporting their commodities to this country on terms equally advantageous, I believe that if there be the power of resistance they will avail themselves of it. I have the strongest possible opinion that if you attach any importance to our colonial relations with Canada, no time is to be lost in passing this measure. It is a painful view of the subject; but it is right that the House should carefully consider this matter. I observe that Mr. Bancroft, in his History of the American States, says, "from the earliest time the navigation laws contained within them the seeds of American independence." Mr. Huskisson confirmed that view in the strongest manner in the debate to which I have referred, and he illustrated it by another topic which ought not to be overlooked. We attempted, and succeeded for a long time, in placing Ireland under our navigation laws, keeping her in a disparaging and disadvantageous position as compared with England. I am now holding the language that was held by Mr. Huskisson in 1826, when he told the Legislature a truth, of which I am about to remind you—that the pressure of the navigation laws was so odious in Ireland, that it was the first act of Ireland rising in arms with her independent Volunteers of 1782, to insist upon the alteration of that which they considered a most degrading exception as against them, and it was conceded by England under those circumstances, in a manner not entirely consistent with dignity and honour. This warning was rightly administered, I think; and not improperly, I hope, brought by me to your attention now. Remember, in the present circumstances we are not able to trifle with respect to Canada. It is a question of vital importance with reference to their interests and to ours. Now, I will pass from the question of the colonies, and I would just ask—is it so certain that these laws are favourable to the shipowner? The shipowner is prohibited from making repairs to his ships in foreign ports beyond the value of 20*s.* a ton, however urgent those repairs may be. Then come the questions as to the engagements respecting apprentices, the register of seamen, and all those minute regulations which, in consideration of the monopoly he enjoys, are rightly imposed upon him, but which a repeal of those laws will necessarily exempt him from. How does the sailor derive any benefit? I am disposed to believe that the reliance on impressment is very much to be traced to the existence of these laws. I am quite persuaded that the forced regulations with respect to apprentices does operate against the seaman, and produces the effect of unnatural competition, thereby lowering his wages. Then, again, there are various regulations all co-extensive and depending on the navigation laws—the tax for the merchant seamen fund, and various other regulations, which the right hon. Gentleman the President of the Board of Trade has undertaken to revise. If these laws shall be repealed, I am satisfied that, together with the increased demand for his services, with a higher rate of wages which he will obtain, and the relaxation of various fetters under which he now labours, the condition of the British merchant seaman will improve. There remains only then the case of the British consumers —the great body of the people. Both directly and indirectly, they suffer from these laws—the freight being enhanced, the price is increased upon all articles imported from abroad. If they are consumers of any luxury, however small, whether foreign spirits, foreign tobacco, sugar, tea, fruits, or any of those little luxuries which our labouring classes enjoy, all are enhanced in price by laws of this kind. The demand for the products of our manufactories is impeded, and, *pro tanto*, the markets of our manufacturers are diminished. On the whole, looking at that class at this moment, I am satisfied that the navigation laws are not conducive to the advancement of that interest. My right hon. Friend the Member for Stamford has touched upon the case of the shipbuilder. Now the cheapest ships in the world are built in the colonies at this moment. There is no difficulty in building ships in the British colonies. But the duration of British-built ships is as twenty-two to seven of colonial-built ships, and although the price of colonial ships is much less, yet, the duration considered, the preference is given to building at home rather than in the colonies. The most durable ships, on the other hand, are built perhaps at Bombay, where the rate of wages is uncommonly low. When I was at the Admiralty, notwithstanding the low rate of wages at Bombay, as a question of economy we found it cheaper, on the whole, to build in England; and after deliberating, and giving the subject the most minute investigation, Bombay was abandoned as regards shipbuilding. I believe it has since been resumed, but, having been resumed, has been abandoned again, because it is found on the whole cheaper and better to build in England. Well, how stands the case with regard to the British shipowner? Now I can't believe that even his interest, rightly understood, is favourable to the maintenance of the existing law. What country sails or builds so cheaply as Russia? Yet, what is the fact? Notwithstanding that she builds and sails infinitely more cheaply than either America or we, nevertheless the whole carrying trade of Russia is divided between America and England. Then what occurs over all the world in neutral ports? We meet our rivals at Trieste and at Hamburgh. Do we find that it is impossible to build or sail so cheaply as to enable us to compete with the foreign carrier? Why, even at Hamburgh itself the number of British ships, I think, in the year 1847, was double the number of Hamburgh and Danish ships. Test them in the most severe manner. In the year 1824, of British ships there were sixty-one per cent; by the last return, in 1842, the proportion of British ships to foreign, even from the ports of the United States, ran to eighty-three per cent. Pursue the course taken by the hon. Member for Westbury, who showed you how, even compared with American ships themselves, in the ports of America, our relation to them has been progressively increasing, and our ships in other ports have been increasing more rapidly still. My hon. and learned Friend, in his economical view of this subject, contended that competition was not applicable to shipping. I could not correctly follow his reasoning in that respect. I know not why monopoly should not have the same withering effect on the shipping interest as it has had on every other. I know not why competition should not have the same vivifying effect upon that as upon other branches of our commerce. The French have most stringent navigation laws; nothing, I believe, can be more stringent or more extensive than the protection given by the French—or was until a very late period—to French shipping as contradistinguished from foreign. Was the effect of that close monopoly favourable to the growth of the French commercial marine? Quite the reverse; for I find that in 1836 they had 15,999 ships, with a tonnage of 600,000, and in 1844 they had only 13,679, with a decrease in the tonnage. What are the statements of shipowners here? I entreat the House first to listen to two answers which were given, one by Mr. Richmond, and the other by Mr. G. F. Young. Hear their account of the protective law. Mr. Richmond says, "The great bulk of the money embarked in shipping has paid no profit for the last twenty-five years;" and to another question, Mr. Richmond said, "Until I was present at the examination of Mr. Le Fevre, I was not aware how very small the protection was." Then Mr. G. F. Young says, in question 6,093, "I feel a perfect conviction that the capital embarked in shipping during the whole period here expressed"—a period, be it remembered, of twenty-five years—"has produced a smaller return than an equal amount of capital embarked in any other pursuit whatever." Therefore, according to the declaration of Mr. Richmond and Mr. Young, for the last twenty-five years capital embarked in shipping has been less productive than any other branch of industry in this country. My right hon. Friend the Member for Stamford disputes that which I insist upon, that if the change is ever to be made, this is the right moment to make it. It must not be forgotten by the shipowner what his improved position is in consequence of the commercial relaxations which have been carried into operation in the last five or six years. Corn is now imported into this country duty free. Cotton is imported into this country duty free—wool is imported into this country duty free—Canadian timber is duty free—the duty on the export of coals is repealed, and the duty on Baltic timber very much reduced. The sugars of the East Indies, Java, the Mauritius, Cuba, Brazils, however prohibited formerly, are now admitted to the British markets at duties greatly diminished. The trade of China is free, and rapidly extending. All articles of first necessity—meat, provisions, food of every description—every article connected with the sustenance of man, is imported now into this country duty free. These are immense advantages conferred on the shipping interest, and also it should not be forgotten, that coincident with this the price of every article connected with food for sailors on board, for the sustenance of the crew, is greatly diminished. On the whole, therefore, with reference to the peculiar circumstances of this moment, I say that the change, if it is ever to be made, cannot be made at a time more fitting or more safe than now. Is there, after all, despondency among the shipping interest? The whale fisheries, it appears, were actually exhausted in the Arctic seas; and a gentleman of high character and station is about to leave this country to settle himself in the very extremity of the Antarctic regions, after the removal of protection, and while we are debating whether we shall repeal our navigation laws. Mr. Enderby is about to proceed himself to push his honourable enterprise over the Antarctic and frozen seas in such a manner as almost to realise Mr. Burke's hyperbole. The Auckland Islands are but a resting place for his advancing and vigorous enterprise; he is about to strike the harpoon, and to pursue his gigantic game even in the regions of the Antipodes, and amidst the sea of the southern pole. Are these marks of declining commerce? Are these proofs of the decline and fears of the shipping interest? Sir, I should only express to you a portion of my opinion on this subject, if, after having endeavoured to follow my hon. and learned Friend through the historical and economical portion of his speech—I should not do justice to my honest and firm convictions—if I did not deal with the political part of the subject. Now, Sir, the Gentlemen who sit around me, and more particularly my right hon. Friend the Member for Stamford, make constant reference to the recent changes which have taken place in our commercial policy. They say that they consider it fatal—fatal to the agricultural interest—fatal to the commercial interest—and I heard one Gentleman say, this evening—I allude to the hon. chairman of Lloyd's (Mr. Robinson), that the working classes were the greatest sufferers. That being the opinion of a powerful party, and of the leader of that powerful party, I cannot comprehend why they lose a moment in bringing the question distinctly before the Legislature, with the view of testing the will of Parliament. Being convinced that it is erroneous—that it is right to retrace our steps—why this hesitation? Why this delay? Now, Sir, it so happens that on the first evening of this Session, elsewhere, a declaration was made by a noble Friend of mine—a declaration which stands on record, and about which there could be no mistake whatever. With all his characteristic intrepidity and frankness—with all his characteristic absence of disguise, my noble Friend (Lord Stanley) made a declaration which I will now read to the House, and I shall read it all the more readily seeing that the right hon. Member for Stamford has resumed his seat. [*Mr. Herries had just re-entered the House.*] The right hon. Gentleman has himself relied upon the quotation of *vestigia nulla retrorsum,* to which Lord Stanley has particularly adverted in his denunciation of the recent policy of Parliament—

Mr. HERRIES: I only applied the words to the present subject.

Sir J. GRAHAM: Well, Lord Stanley applied it generally, and what he said was this:—

> "I hear it said that free trade has been adopted, and that we must proceed in that course—*vestigia*

> *nulla retrorsum.* From that doctrine I dissent. It appears to me that the principle of protection to British industry is a sound and rational one. I will not consent to take it as a *fait accompli*, that protection to British industry must be abandoned. Every day's experience convinces me more and more that this country will never prosper—that you will never be able to thwart the dangerous design of mischievous men, who think they have obtained a lever to upheave and uproot the old foundations of the constitution; that if you wish to see prosperity return to the interests of the country, agricultural as well as manufacturing—and when I speak of the agricultural interest, I mean not that of country gentlemen alone, but of the farmers and labourers of England—every day's experience convinces me that you must retrace the steps you have taken—you must make part of your revenue depend on a moderate import duty—you must return to the principle of protection. Such is my conviction; but my belief, moreover, is strong that to that conclusion, within no distant period, the full and deliberate opinion of the country will compel you to come."

And then my noble Friend says again, with his accustomed boldness and manly intrepidity—leaving no doubt upon the point—

> "My noble and learned Friend professes himself to be still the advocate of free trade; and with equal frankness I avow that, whilst I do not advocate any unnecessary restrictions on commerce, I am the uncompromising enemy of the miscalled, one-sided, bastard free trade, which has been introduced by the Government for the benefit of foreigners, and to the detriment of British subjects; and I declare myself to be the uncompromising advocate of the old just and equitable principle which gave necessary protection—not monopoly—to the labourers and producers of this country, and to our fellow-countrymen, wherever they were to be found throughout the world."

That is an intelligible declaration, the explicit avowal of a future policy. I say, and with equal frankness and equal boldness, that this measure you are now discussing, is in my opinion the capital necessary to crown the work we have already accomplished. I say that without it what we have done is imperfect; that with it, what we have achieved will not easily be undone. Here, therefore, issue is joined. I say that protection or no protection is the point at issue; and I regard it as the battle-field on which the struggle must take place between reaction and progress. I am now dealing with the political part of the question, and all the economical and historical parts of it are, to my apprehension, in the present juncture, light as dust in the balance. I have calmly and deliberately reflected on the part I have borne in the changes which have recently taken place, and, so far from regretting that part, I may state my conviction that I believe—firmly believe—that the peace and tranquillity of this country, and the safety of our institutions in the year which has just past, are mainly to be ascribed to those measures to which I have alluded. And I think that the attempt to go back upon them—to return to prohibitory duties, or, under the guise of duties of import, to lay on duties really of protection — enhancing the price of corn and of articles of the first necessity consumed by the great body of the people, would be a dangerous experiment—one leading, as I think, inevitably to convulsion and the most fatal consequences. At all events my part is taken. I take my stand here. I am opposed to reaction. I am favourable to progress tempered by prudence and discretion. It is upon these grounds I give my cordial support to the third reading of the Bill; and I am most anxious that it should, without any unnecessary delay, become the law of the land.

Mr. T. BARING said, that it would have been more consonant with his inclination to give a silent vote, and he felt his difficulty the greater after the able speech just delivered by the right hon. Baronet the Member for Ripon. But having acted on the Committee appointed two years ago to inquire into the operation of the navigation laws, and having taken no part, either in the discussion of last year, or that of the present, he could not refrain from shortly trespassing upon the indulgence of the House. He would therefore endeavour to explain the grounds upon which he had formed the opinion, that not only those who attached importance to the principle of the navigation laws, but those who desired to apply a practical remedy to any practical grievance, ought not to support the Bill in its present form. He was the more anxious to state his opinions, because he was one of the mercantile community. He avowed his opinion that, as a general principle, restriction must be an injury to trade. He had never shrank from saying that. If the whole country was to be regarded merely as a community of merchants, certainly it was desirable to allow the importers to get their wants supplied, and ship their goods from whence they pleased. If we were, as were the inhabitants of the Hanseatic towns, mere receivers and distributors, then we might say, let every other consideration be disregarded. But the real grievances of the merchants might fairly be taken from their own representations; and if they had actually sustained such grievances as had been represented, from the operation of the navigation laws, surely the commercial body would not have been seen, as they had been seen, either indifferent or adverse to the removal of those laws. He would not follow the right hon. Baronet through the ancient history of these laws, or into his references to the time of Richard II. The question now turned upon the law as it at present stood, after the concessions and modifications which had been made. The first grievance complained of, then, was that particular clause in their navigation laws which prevented enumerated articles from being imported in other ships than those of this country. In 1838, a treaty was entered into with Austria, by which certain Turkish ports, for the purposes of the clause in question, were made Austrian ports; and they had the testimony of the Earl of Aberdeen that, in his opinion, that treaty was a slovenly piece of legislation. There being a doubt of the legality of that treaty, a Bill was brought into Parliament conferring powers upon the Government in Council to grant facilities, and which was passed without comment, and the end was, that facilities not granted to others were given to the Zollverein, and therefore that the only way for other States to obtain them was by threatening to join the confederation of the Zollverein. The whole transaction evinced a blundering carelessness. It was rather too much, when the Government exhibited difficulties which they had themselves made, and then said, that in order to remove those difficulties, it was necessary to sweep away the whole of the navigation laws. What reason was there for destroying the colonial navigation and the long-voyage trade, in order to remove those difficulties? The next grievance was, that by the navigation laws the produce of Asia, Africa, and America, could not be imported from European ports. He considered that to be much more a warehouse or dock question than a navigation-law question. He could understand that this prohibition existed when there was at the same time a prohibition of manufactured articles; but the question now was as to relative cheapness and security in other ports as compared with British ports. But it would be easy to remove this difficulty; and all the cases mentioned by the right hon. Baronet could be remedied without a sweeping repeal of the navigation laws. The right hon. Baronet had alluded strongly to the case of the colonies. He (Mr. Baring) admitted that the legislation of this country had been neither fair nor equitable towards the colonies. But he believed the right hon. Baronet to be wrong, when he said that every colony had memorialised. At any rate he believed there had been no memorial from the Mauritius, and he was not aware there had been any from Ceylon, or an official one from Australia. From the East Indies there had been none. There certainly had been memorials from the West Indies; but, if he was not mistaken, opinions on the subject had changed in the West Indies as to the benefit they would derive from the repeal of the navigation laws. The West Indians saw that sugars would be admitted from all parts of the world, and that the Cubans would derive the greater advantage from repeal. Next came the question of our relations with foreign Powers. He confessed that the threats of those foreign States did not much alarm him. He knew they would consult their own interests, for they had always hitherto done so. And what guarantee did the present Bill contain—what security did it give to the shipowners—that if Russia or Prussia saw a temporary advantage to arise from exclusive dealing, those steps would not immediately be taken which were now apprehended should the law remain unaltered? The Bill made no conditions. His opinion was, that real grievances might be removed without striking at the root of the law. But what was the real principle of the Bill now before the House? If he understood it rightly, it was the removal of restriction from foreigners—the maintenance of restriction upon Englishmen. Let the House mark that the Government, which, after the greatest research and trouble in obtaining information, said that there was an inferiority on the part of our captains and sailors, now told the shipowners that they were to compete with those who had the power of employing better workmen. The only facility given by the Bill to shipowners was the privilege of building ships abroad; but upon this he remarked, that every one knew the difficulty of recovering a manufacture that had once been lost. With respect to the proposal shadowed out by the right hon. Member for the University of Oxford, he would only say that public opinion in the United States was greatly divided concerning the course the right hon. Gentleman anticipated, and that many

American statesmen, Mr. Webster included, were against it. If we passed a law that every country should have the same facilities she granted to us, even then the result would not be equal or satisfactory. Take the case of Sweden. What had she to give us in return for a commerce with our colonies and the East Indies? And Sweden was a country where ships were manned and sailed cheap: it was a nation of sailors. Then came Holland and Java, with such a trade as she had. Besides the preference which would naturally be given to Dutch vessels, there was also a contract with a commercial company, through whom two-thirds of the traffic with the colony was conducted in Dutch vessels; so that unless they could induce Holland to destroy this monopoly, she would have but one-third of her carrying trade to offer to England in return for the advantages which the latter would throw open. He knew—but his ideas might be somewhat antiquated now, and harmonise very little with those on the opposite side of the House—he knew that the carrying and the commercial trade had been of great advantage to the interests of this country; and if the Government cut off the facilities peculiarly enjoyed by this country in the one trade or in the other, where, he asked, were the advantages to come from in compensation for the loss? He said, in proceeding to speak of the United States of America, he was sure that the Minister of that country, Mr. Bancroft, had no intention of practising deception, but that, in his representations, he acted, as he no doubt believed, in the spirit of his instructions. In reference to the United States, then, he expressed his belief that their navigation offered advantages which might be of account with the English commercial marine; yet there the most favoured-nation clause came in to create difficulties, and it might be that they would feel it necessary either to abandon the navigation laws, with respect to the States, or to abandon the prospective advantages which they offered. But, he said, whatever they might do in particular cases, they ought to keep to the main principles of the navigation laws in all instances, and should make such concessions to each country throughout the world as the nature of the relations existing with this country might advise. Who, then, he asked—and it was natural for him to put the question—who were those who demanded this great change? It was not the shipowners; not the shipbuilders; not the sailors; nor indeed any of those whose interests connected them with British shipping, on whom, therefore, to use the words of the right hon. the President of the Board of Trade, this Bill was a heavy blow. Was it the people of England who asked for the change? Where then were the petitions? The petitions presented last year were ten to one against the repeal of these laws, and the signatures attached were twenty to one on the same side. And this year the number of petitions for the repeal of the navigation laws was small, and these few were miserably signed. The right hon. Baronet the Member for Ripon, however, stated that the great towns and the manufacturing interests were involved in the passing of the measure; yet the hon. Member for Manchester the other day presented a petition from Manchester with no more than 350 signatures. Did that look as if the people were anxious to accomplish this change? Did it not show that such petitions as had been presented had been the produce of agitations got up for the purpose? Well, but they were told that foreign Powers were favourably inclined to a repeal of these laws in respect to their own States. It appeared that Government had sent to these Powers to ask them what was the state of the law on this point with them, and what they intended to do in case England should introduce a change in respect to her own navigation. Nothing was more remarkable than this message to the nations of the world. It was as if the Government had said, "We have no agitation at home to help us—we must have something from you. Give us promises—or, if not promises, give us threats." Well, he said, he was surprised at the right hon. Baronet introducing to-night into this discussion a topic which he thought would have been carefully excluded—he referred to the subject of free trade. On that subject his opinion had always been, that they ought not to have one system of protection entirely, or one system of free trade. It was necessary for them in that House to look at each question that might come before them as a separate and independent question, and to each measure under discussion to apply the principles of protection or of free trade, according as the particular interests affected by the measure might require. The right hon. Baronet stated that, in his opinion, the House was now discussing the question of reaction; and he put the fate of this Bill as decisive between retreat and progress. As if there were an alternative offered them, and as if progress were not forced upon them, and as if the noble Lord and his followers were not rushing forwards into consequences, taking, as it were, a leap in the dark, with the certainty afterwards of finding no way of escape. He would tell the right hon. Baronet, that if he feared reaction, he (Mr. Baring) feared it as much as the right hon. Baronet did; for he knew that reaction must come from national distress. If reaction should be produced, it was out of doors, and not in that House; if that reaction should be great, it would not be the effect of party, nor the achievement of any political leader; but it would be because the previous change was fraught with suffering to the people, as dangerous to the interests of the country as now the proposed change was ominous of evil. He spoke the truth when he said he believed that the country did not want the repeal of these laws. He believed that England had seen how much was lost by sudden political revolutions, for she had been an attentive student of the occurrences that had taken place on the Continent, and she had seen how little was to be gained by sudden commercial revolutions at home. He would say, and he said it with every feeling of respect for the noble Lord opposite, and those who agreed with him, that this Bill ought not to become the law of the land; he trusted that, whatever might be the decision of the House to-night, it would not become the law of the land; and he believed the country shared in that hope. He believed the country, without wishing for reaction, wished to see the changes already made tested fairly before they proceeded to make changes from which retreat afterwards was impossible. If they had committed error in their commercial policy, still they might retrieve their error by immediate change; but if they committed themselves to a policy which would have the effect of reducing the commercial marine, and of reducing the Royal Navy—if they committed themselves by one measure to these and other consequences, they were consequences from which they could find no salvation in Parliament. He made no doubt that those who considered that Government must make the principle, instead of choosing the principle, which was adapted to the country, would vote for the measure of the Government; that those who were regardless whether there remained a Navy or not, or rather who thought that the destruction of the Navy would be the best guarantee of peace, would vote for the Bill. But, on the contrary, all those who felt it obligatory on them to oppose any attempt at the destruction of the Navy, would oppose the total repeal of those laws—all those who thought that the principle which ought to guide the policy of this country ought to be the principle which would maintain the strength of their national defences, those were they who would vote against this Bill forced on a reluctant people and a hesitating Parliament.

Lord J. RUSSELL: Sir, if I feel any difficulty in addressing the House upon the present occasion, it arises from the consciousness that the whole argument in favour of the Bill now before the House has been exhausted by the masterly speech of the right hon. Baronet the Member for Ripon. He went so completely through the argument, and touched on all the parts of it in so convincing a manner, and he has been so little answered by the hon. Gentleman who last spoke, that I feel great difficulty in addressing the House on this subject. Nevertheless, having a deep sense of the importance of this question, and feeling that, after a year of delay, after an inquiry by a Committee of the House of Commons, and by a Committee of the House of Lords, and after the measure has been twice recommended in the Speech from the Throne, it is high time that our deliberations on this subject should end in a settlement of this question, I am induced to address the House before it goes to a division on the subject. I was glad to hear the hon. Gentleman who spoke last admit in a somewhat different spirit from that evinced by the hon. and learned Member for Midhurst, that all restrictions of themselves required defence; that there must be a strong case made out for them; and that consequently the burden of proof lies on those who attempt to support them. Every one, I think, must admit that it is no crime for a person to wish to bring wool from Australia to supply our manufacturers in a Bremen ship, and that there is no moral guilt in attempting to bring hides from Holland, and naturally no sin in attempting to introduce American cotton from Havre. The only crime, then, must consist in the violation of your prohibitory law, and that prohibitory law must require strong grounds for its defence. This question has been treated by the hon. and learned Member for Midhurst, in a speech of great ability, as one to be divided historically, economically, and nationally; but I do not think that on any of these grounds there is a sufficient defence for the present state of the law. I am aware that the law has been almost worshipped as the *charta maritima* of this country, and that much of its prosperity and commerce has been attributed to the law, and that it has been thought profanation to alter it. But in my judgment that opinion is founded in error, and at no time has this law been essentially advantageous to this country. Let us look to its origin. Did it arise from any views of commercial wisdom, or from any of those views of protection which are now said to be so conducive to our prosperity? It arose from a wish on the part of the Protector, Cromwell, inspired on the occasion by the enmity and indignation of St. John against the Dutch, to cripple and destroy the commercial marine of Holland; and so little did the law answer in any other view that the right hon. Member for Ripon quoted correctly Roger Coke, and various other writers who followed in the course of a century, showing that the navigation laws, in a commercial point of consideration, were most injurious to this country. Whether it was our interest to destroy the navigation of Holland at that time, we need not now much discuss; but we do know that forty years afterwards it was the chief object of our policy to maintain the power of Holland, and effect with that country the most close and intimate alliance. What was the next effect which we find produced historically by the navigation laws, and the restrictions connected with them? We find that the vexatious and intolerable nature of those restrictions provoked the loyal and attached friends of the British connexion in America to resistance. What next was the effect of regulations of a similar kind? You prohibited Ireland from trading with any of your colonies. You fettered her by the most restrictive regulations; you produced resistance in Ireland; and it was only by abandoning those regulations that you succeeded in pacifying Ireland. I say, therefore, that in an historical point of view the provisions of the navigation laws have been mischievous, and not conducive to our welfare. Then, Sir, in an economical view, I think there is almost a confession—a confession by the hon. Gentleman who spoke last—a confession by the chief of those authors who have defended the system—that, economically, the regulations must be injurious—that these restrictions must tend to diminish the wealth of the country—and that no other defence can be found for them but their tendency to promote our naval power. I need not, therefore, go into the various matters in which the present laws are injurious. These have been shown in evidence before the Committee. They have been shown, in various instances, to have delayed and obstructed the commerce of this country. But then it is said that, whatever may be the injury which our commerce has suffered, however unwise those restrictions may be in a commercial point of view, they have tended to keep up a commercial marine, from which the Navy of this country has derived its resources and its strength. Now, I think there are many reasons for doubting that assertion; and I call it an assertion because, after all the argument and all the evidence from men of high naval authority, or from persons of great economical authority—from Adam Smith—from those who have taken part in this debate, I see nothing like proof that our Navy has derived its strength from those regulations; I see nothing more than an assertion that here are regulations which tend to monopoly, and, therefore, they must be beneficial to the commercial marine of this country. Let us see what, on the other hand, are the reasons for doubting the truth of this assertion. In the first instance, there is the character of our people, eminently attached to naval pursuits, readily embracing the marine as a profession, distinguished among the nations of the world as a naval people. I own I was astonished to hear the hon. Gentleman who spoke last complain that if we pass this Bill, we oblige the shipowners of this country to employ inferior workmen. I ask him, why inferior workmen? I am told that a great portion of the commercial marine of the United States, of which many are so jealous, consists of those very British seamen whom you now call inferior workmen. What is it, then, that has made the masters and the seamen of our British commercial marine in any way inferior? What is it that has tended to cripple their energies, or to diminish their skill? What can it be but the constant invariable effect of protective laws, and of telling men, "Do not trust to your own energies, do not trust to your own powers, because, in default of industry—in default of skill, we will give you a law which will protect you against all competition?" And yet, in spite of these "inferior workmen," we know, that in 1848, 236,000 men belonged to the commercial marine of England; we know—we must know that that is not a number which could be produced among a nation that was not essentially a nation loving the marine as a profession, and eminent among the nations in that respect. But what is the next reason? We were told, I remember, about 1824 and 1826, that Mr. Huskisson had introduced measures which would totally ruin the commercial marine of this country—that the shipping must be utterly destroyed—that the state of distress was something which had scarcely ever been paralleled, and that it was owing to his measures. Now those measures did, to a very great degree, introduce competition with other nations; they gave reciprocity in some instances—they did away with restrictions without reciprocity in others—and what has been the consequence? I have here the tonnage of the British empire as it stood in 1823, in 1840, and in 1849—I will trouble the House with only those numbers; our tonnage in 1823 was 2,506,760; in 1840 3,226,684; in 1849, 4,052,160. That is the mode in which the tonnage of this empire has increased under this system of modified competition. In the same period the number of men employed has risen from 165,000 to 236,000. I say this is a reason for believing that we can stand competition, and that we may go further in that course. The hon. Member for Midhurst admitted that the plans of Mr. Huskisson were successful—that there had been a great increase in the amount of tonnage and number of men—but he said, "As you have been so successful, stand where you are; you have succeeded, you are going on well, and therefore be contented with the position which you have reached." Now that is not my mode of considering questions of this kind. I consider that if you have made an experiment in one direction, and it has been eminently successful, and at the same time has been a cautious experiment, that is a reason for going further in the same direction, a reason for greater progress, to be attended, as I trust, with still greater success than the measures that we have already taken. I have mentioned two grounds for confidence that our commercial marine will not be injured by the proposed repeal of the navigation laws. I go to another ground, to which I do not see that there can be an answer. It is, that not only is this amount of tonnage, and this number of men employed in the trade of the united kingdom, but a great portion of it is employed in a trade in which we have no protection whatever—in the carrying trade to Russia, to Trieste, and to parts of Austria, where we meet the other nations of the globe, and where those nations, be they Swedes or be they Americans, if they have such an advantage as is said, would drive us out of the trade, and disable us from such competition. I do not really see what answer there can be to this statement. How is it that some say that the Swedes and Norwegians navigate so cheaply and are paid such very low wages; and the same gentlemen, or others, say that the Americans receive such high wages, and their ships are manned so well, that they must beat us? Whatever the case is, we are told that the British shipowner, the British master, is to be beaten. I believe, on the other hand, that, with the energies of this country left completely free, you have not to dread the competition of any nation upon the globe; I believe—and I by no means regret—that foreign shipping will increase, as it has increased in past years; but I believe that British shipping will increase in a manner commensurate, or more probably in a greater proportion, and that the only result will be a general increase in the commerce of this country and of the world. We are told that the manner in which we have proposed this Bill is a conclusive argument against our succeeding; but I was happy that the hon. Gentleman who spoke last, who no doubt, with his experience, had considered the measure in all its details, fully concurred in the opinion we entertain, that a Bill framed on strict grounds of reciprocity—a Bill declaring that you must follow other nations in every particular, would lead into inextricable difficulties, and that it would not have been wise to propose it. If that is the case, what other course could we take, with our opinions, than proposing a total repeal of these laws, leaving it to the Queen in Council to exercise a power, if it shall be thought fit, of imposing upon other nations restrictions which they impose upon us? In retaining that power, which we have by our present law, I quite agree with the right hon. Baronet the Member for Ripon, that in ordinary cases when you attempt to impose a restriction because a restriction is imposed upon you, you are injuring yourselves more than obtaining any benefit; but there are cases where the restrictions may be put on from national rivalry and national animosity—cases in which in former instances we have succeeded by putting similar restrictions on other nations; and therefore I think the Crown should not be deprived of that power. But in many cases, such as the instance which has been often referred to, of the colony of Trinidad, I believe you might very safely give to Trinidad the trade with Venezuela in ships not built in Venezuela, and which are prohibited from trading with Trinidad by the present navigation laws, even though you can have no equivalent advantage on the other side. We are told that we shall not obtain from foreign nations similar advantages. The information that I derive from the papers laid before Parliament is of a totally different kind. I conclude that, with respect to the greater part of the nations of Europe and of the world, we shall obtain fair and equal terms of navigation with those countries, provided we are ready to give those terms to them. Nobody can doubt it with regard to the United States of America; no one can doubt it with regard to Prussia, or Russia, or Austria. Indeed, I think the nations which will not be prepared to give those equal terms, reduce themselves to some three or four—to France, Spain, and Belgium, and perhaps one other; the list can hardly be extended beyond that. But let us take the opposite case—let us take the case that this Bill is rejected, and that you wait for some years before you take any measure; what will be the case then? Prussia has told us (I do not consider it a threat, I consider it a fair declaration), "If you continue these restrictions, if you think them wise, I will copy your wisdom, and give you the same terms that you give me." I cannot see that there is anything offensive in that, or that we have any reason to complain of such a declaration. Russia has already proclaimed the same thing; she has proclaimed, with regard to other nations, that she will impose upon them the restrictions they impose upon her shipping; but she will not do so with regard to England, because she has a treaty with England; and how long does that treaty last? It expires in 1851; and from that time Russia will be at liberty to impose restrictions upon us. Is it wise to wait till you are subject to them, and then endeavour to negotiate in order to take off those restrictions on both sides? I remember that Mr. Huskisson held a very different, and, I think, a much wiser doctrine; I have here the words which he used, after speaking of what is called now the "threat from Prussia," and the conduct likely to be adopted by her: he said—

> "The immediate lesson which I derive from it is this, that it is a part of political wisdom, when danger is foreseen, not supinely to wait for its approach, but, as far as possible, to take timely measures for its prevention."

That is the course that we are now taking. We are told that there is no popular cry for this measure—that there is no demand for it on the part of public opinion; but I think we are bound, if we see such dangers before us, if we have the information which enables us to judge, not to wait till the people of this country come to us complaining and saying—"Our navigation is subject to restrictions, you knew that it would be so, you might have prevented it, it was your duty to settle these questions, but you have allowed this to come upon us, and you are to blame for the injury we are suffering." I ask the House, then, to agree to this Bill, and to endeavour to procure a settlement of this question. I am the more impressed with the necessity of arriving at the settlement we propose, from the considerations which have been adverted to by the right hon. Baronet the Member for Ripon. He has quoted the statement of a noble Lord, that with respect to protection we ought to retrace our steps. We know very well, not only that this is declaration from a person of high authority and in a commanding position, but that in many parts of the country, from certain classes, a cry has been raised for a renewal of protection, not upon any trifling article, not upon any imported goods, with respect to which the great mass of the people of this country can be indifferent, but they have asked at once for a renewed duty on the import of food. Now I beg hon. Members to consider what would be the probable consequences of any attempt of that nature. I am reminded of what the right hon. Baronet said at the conclusion of his speech, when he stated that we were necessarily agitators: and he called upon us not to promote agitation, or irritate the minds of men. Now the agitation and irritation produced by our proposal to repeal the navigation laws are not very considerable or very alarming—according to the opinion of any one. But if we were to declare that we were about again to impose a tax upon food; that we were not satisfied with the low price of corn, then I believe we should have an agitation and an irritation of a very different descaiption. I believe that you would then have the mass, the great mass of the people who are now quiet and contented— [*Ironical cheers from the Protectionists*]—I again repeat it, "who are now quiet and contented," and I rejoice that they are enabled—with regard to articles both of necessary food, and of those slight comforts which they enjoy—that they are enabled to purchase them at lower rates than perhaps they have been able to procure them in the memory of man in this country—of any one now living. I believe that if you were to proclaim that you were about to impose a tax upon the importation of corn, that these classes would agitate from the fear of the sufferings which they would have to endure, and of the scarcity which you by your legislation would attempt to expose them to. Who would feel the benefit of such a state of things? The farmers, you tell us, are asking for a duty upon corn. If that duty were small, an advantage would be gained to the revenue. But a protection to be effectual, in the opinion of the farmers, must not be the protection of a small duty, and no benefit would be derived from it. If any benefit is to be derived by them, we are told it must be by a high duty; but is it imagined that there could be imposed upon the nation a high duty upon corn? In the present state of this country, does any man imagine that —even although this House, by a majority of four to one, should pass such a law; and if it should pass the House of Lords without a dissentient voice being raised against it—does any one believe that such a law could be maintained and enforced in this country? Well, Sir, then I ask this House, do not, by the rejection, give a signal for fresh and renewed agitation on the subject of the corn laws. Like the right hon. Baronet the Member for Ripon, I rejoice in the tranquillity with which we passed through a year remarkable in its revolutions and convulsions in almost every country in Europe. I believe that there were three things that contributed mainly to your tranquillity, to the preservation of confidence, and to the loyalty of the people. I believe that the first of these causes was the attachment of the people to the form of their own ancient institutions; and in the next place, that it was very much owing to the removal of those grosser abuses in the representation of the people which the Reform Act proposed and carried under the administration of Earl Grey. I believe that if you had had such flagrant abuses as Gatton and Old Sarum, that what might have been a call for reform would have swelled into a cry for revolution. I believe the third reason why the people were so tranquil during the agitation of the past year was, that the grievances which they felt from the high price of food, caused by your legislation, had been removed, and that by the Act of 1846 there had been removed all the impediments by which the people were prevented from procuring that food as cheaply as it could be introduced from every foreign nation. I believe that to these three circumstances you are indebted mainly for the position in which you stand—a position which is gratifying to every native of this country; and a position which is conspicuous among all the nations of the world. I ask you to maintain that position by the means by which you acquired it. I ask you not to refuse a reform which is pointed out by reason, which is the result of inquiry, and which is in conformity with the principle that Parliament has already deliberately adopted. If, on the other hand, you announce that you are about to pursue the course of reaction, and if you induce men to think that you doubt of the soundness of those principles that you have adopted —if the opinion prevails that the shipping interest is not alone to be left as the sole protected interest in the country, and that you are about to restore that protection which Parliament has taken away—then, I say, you will be giving the signal for an agitation, of which indeed you may have been proved of having commenced the operation, but of which you will not see the end without the deepest regret and sorrow.

Mr. DISRAELI: I have upon another occasion entered very fully, with the indulgence of the House, into the discussion of this great question, and I shall therefore now only take the liberty, before the division is called, of venturing to express the general feeling with which I shall give my vote on this occasion. Sir, the right hon. Baronet the Member for Ripon has told us that he considers the question before the House to be, whether we shall place the capital on the column which we have been so long raising. But, Sir, if the column that we have raised be one that, in the symmetry of its outline and the general beauty of its design, has somewhat disappointed our expectations—if we find that when it is raised it has not realised the expectations of our creative fancy —we may, perhaps, hesitate before we incur the additional expense of raising a costly capital upon what may be a column of a very ill-fashioned design. And, Sir, the rhetorical illustration of the right hon. Gentleman places the case in its true light before the House. This great project was brought forward to realise a theory. You were called upon to deal with a most important interest—not from any popular appeal—not from any general feeling of any great national inconvenience —but because we were told that this repeal of the navigation code of England was to complete a great experiment. But allow me to remind you, that time, which has been appealed to this evening, has in a great measure tested that experiment; and that the argument which you urged, with some effect, twelve months ago, in favour of your proposition—namely, that it was necessary to complete an experiment which had not then failed, does not tell this Session with equal effect, when the right hon. Baronet the Member for Ripon, who denied, last year, that reaction could ever occur, has acknowledged to-night that progress and reaction are in antagonism—and when the noble Lord the First Minister occupies the greater part of his speech on the navigation laws in deprecating the protection demanded for the agricultural interest in consequence of the great distress and discontent of the country. You brought forward your plan upon a theory; but it was necessary, among a practical people, that there should be a case made out to support it. And what did you do? You made a case. But the whole process was factitious. With a foregone conclusion you nominated a Committee of Inquiry—a Committee which, I may be permitted to say, did not conduct its investigations in that manner which is generally adopted by a Committee of this House. No sooner had you obtained this Committee of Inquiry—no sooner had you gone about to collect evidence to justify the decision which you had already assumed, than it was found that the case was not sufficiently substantiated of the inconvenience which you alleged the commerce of the country was enduring from the navigation laws. It was necessary, therefore, to give another colour to the changes you were about to bring forward; and, ultimately, to justify you to practical men, as your theory recommended you to a particular party, you rested your case on three points—on commercial inconvenience, on colonial discontent, and on foreign menace. Well, now twelve months have elapsed, during which time this question has been deeply and carefully investigated, and we are, therefore, much more competent to form an opinion upon it than we were two years ago; and how stands your case? Your facts have blown up, and your theory has broken down. Your first allegation as to commercial injury and inconvenience was the high freight paid by the consumers of England in consequence of the restrictions imposed by the navigation laws. An hon. Member of the Government, and one who is supposed to be a great authority on these subjects—the hon. Member for Westbury—tells us in this debate that these restrictions have not really raised freights at all. The great commercial inconveniences you have alleged have been fairly met. It has been shown that they are exceptional cases. I did not expect to hear again what I heard to-night from the right hon. Baronet the Member for Ripon, of the celebrated cochineal case—the ground nuts he forgot. But a suggestion has been made, which, without interfering with any fundamental principle of the navigation code, would remove all these alleged inconveniences—not all those absurdities which the noble Lord stated that my hon. and learned Friend the Member for Midhurst spoke of—my hon. and learned Friend never used the phrase—but all those exceptional inconveniences. I was surprised to hear the right hon. Member for the University of Oxford the other night, reading an anonymous paragraph, maintain that it was quite evident the shipowners would never consent to any change. I regretted that that observation was made by the right hon. Gentleman, for I knew it must have an injurious effect in many quarters, as evidence of bigoted obstinacy on the part of the shipowners of the country. But is it true that the shipowners are actuated by such feelings? I happen to hold in my hand the last report of the Shipowners' Society, dated the 5th of March last, and what do I read there?—

> "They express their readiness to discuss at the proper time fully and impartially all questions bearing on the practical amendment of the navigation laws. They consider themselves precluded from offering any suggestions at this particular time, but, guided by their avowed principles they

will frankly state their opinions, weigh those of others, and concede with liberality when they cannot convince on all points not involving fundamental principles."

Now, after such an expression—an expression so lately made by so important a society, I think I am justified in stating my surprise that the right hon. Member for the University should have lent his high authority and justly influential name to an opinion of such an incorrect and injurious character. We come next to the case of colonial discontent. I cannot understand, though I have listened with the utmost attention to the debate, that the instances adduced this year much enrich the factitious case of the Government. Surely it has not been shown that there is on the part of the colonies a feeling that the repeal of the navigation laws must operate advantageously in their favour? The noble Lord who has just spoken, it is true, referred to a memorial from Australia—a memorial which, I may observe, has never been presented to the House. That memorial is not a new document; I alluded to it last year; for it so happened that, in consequence of it, I received from the harbour-masters of the ports of that part of the world a statement, from which it appears that, between the 1st of January, 1846, and the 30th of June, 1847, 61 ships sailed from London for Sydney, 18 of which loaded cargoes home, and the remaining 43 proceeded to other places in search of freights. The same statement also shows that in the like period 27 ships sailed from London to Hobart Town, 14 of which loaded home, and 13 remained in ballast; that 25 vessels sailed from London within the same period for Port Philip, 13 of which loaded home, and 12 remained without cargoes; and that, from the 1st of November, 1846, to the 30th of June, 12 ships sailed from London to Port Adelaide, of which only 7 obtained cargoes. With such a statement as this before you, can you pretend to maintain that the Australian colonies are suffering from want of shipping? or that any alteration in your navigation laws can give them freights at more reasonable terms? I need not dwell on the case of the West India colonies, for the Government themselves admit that that part of the factitious case has broken down. There might, perhaps, have been a colourable case last year in favour of these colonies; but the Government admits that the feeling is now very different. True that, in Trinidad, there is the old feeling in favour of repeal—by the by, there was a memorial from Guiana also, in favour of the repeal of the navigation laws; but it is generally understood that the moment the West Indian colonies found that the proposed change in the navigation laws would not alter their relative positions with respect to Cuba and the Spanish colonies, all desire for change ceased. The most important case which remains behind, is that of Canada—and the case of Canada has been treated in a manner to-night which will not, I think, be easily forgotten in the country. It is true that the Legislative Assembly has petitioned the Crown for the repeal of the navigation laws; but in the same document the same Assembly has required that justice shall be done to its industry—and in the same document the same Assembly has demanded the reinstitution of that 5*s.* duty on foreign corn which they once enjoyed. And if that document is, in the hands of the Government, an argument in favour of the repeal of the navigation laws, it is, by the severest rules of logic, equally an argument in favour of a 5*s.* duty. But we have been informed by a very high authority on this subject to-night, that if the 5*s.* duty is not given back to the Canadians, in all probability, Canada will cease to belong to the British Crown. Why, then there is a grave responsibility, according to this statement, resting on those who counselled you to disturb the arrangement you had made respecting the importation of Canadian corn. And it is impossible that any one can believe, and still less did I expect that the right hon. Gentleman the Member for Ripon would have believed, that any paltry change in the navigation laws can reconcile the people of Canada to your rule, if they feel that the taking away of that protection to their industry has, in fact, virtually dissolved every tie that bound them to you. It is well that the people of England should know to-morrow this solemn opinion of one of their greatest and gravest public men—it is well that they should know to-morrow that they must be prepared for a rebellion in Canada, and that they must be prepared to lose that proud possession of the Crown, mainly because the people of Canada have been deprived of that just protection which they had a right to expect. I cannot conceive that the people of England can form any opinion on this subject other than to say, "Woe to the statesmen and the policy who plucked this jewel from the crown of England!" I cannot believe that they can for a moment suppose that some shuffling change in the navigation code of England, can be any compensation to the people of Canada, who feel so acutely on this subject, and who, according to the right hon. Gentleman, are prepared to act so decidedly. Well, Sir, it would seem then that the colonial case is not stronger this year. It rests upon Canada alone, and upon a document which, if it proves anything, proves that the policy of the House of Commons ought to be to protect the industry of the people of Canada. And what, Sir, is the foreign case? The Foreign Office has been extremely busy on this subject, circulating throughout the world the opinion of the House of Commons, as if to prepare the Continent for the House of Lords having little in future to do with the Government of the country. It appears, however, that, in this instance, the moment the House of Commons came to a vote, they repented of what they had done, for the majority dwindled to one half the number. The Secretary for the Foreign Department writes to our representatives at all the Courts, from Vienna to Venezuela, directing them to ascertain whether foreign Powers will consent to a change in their navigation codes. The same system was adopted which was pursued last year to obtain information at foreign ports as to the conduct and qualities of English seamen. And here I must say, that the hon. Member for Huntingdon has been misrepresented by the noble Lord the First Minister, when the noble Lord argued as if my hon. Friend had agreed that British seamen merited the censure applied to them in the official papers to which I have alluded. My hon. Friend agreed to no such thing. He assumed the Government statement as a fact only to show that the premises they induced from it were erroneous. Now, let us see what is the consequence of this invitation to foreign Powers to alter their navigation codes. Considerable stress has been laid upon the case of Prussia. Why, the despatch of the Prussian Minister holds out no prospect whatever of coming to any arrangement. On the contrary, he refers to the altered state of affairs, and of being in a position in which Prussia feels it impossible, at present, for her to enter into any negotiations with us on the subject—at the first blush certainly an excellent argument for not precipating negotiations or passing these measures. I read the despatch, it means this—"Things are unsettled with us; but if the Whig Government remain in office—if we succeed in our foreign policy—if we secure the harbours of Schleswig-Holstein, of the North Sea, and the Elbe, and by the favour of England become an important maritime Power—then we shall be prepared to open negotiations with you, and we shall then stand upon our rights." At this late hour, I will not refer to other Continental Powers, but I must say one word upon the remarkable case of the United States. I ask the President of the Board of Trade, if his Government had been last year in the same position with the United States at it is at present, would he have brought forward these measures, or would he have made the expression of opinion on the part of foreign States a part of his case? Why, I was taunted the other night for indulging in imaginary flights; but when I recall the sometimes confidential, always interesting, occasionally thrilling, and often solemn manner, in which the right hon. Gentleman revealed the Cabinet secrets with respect to the negotiations with the United States, and his conversations with Mr. Bancroft, which were most irregularly brought forward, I must say, to influence the debate, and never appeared in any public document—when I recollect the great importance that was placed, and justly so, on the sentiments of the United States, and remember that this year all is a *tabula rasa*—that all we have heard about the United States and Mr. Bancroft is to be totally omitted as an element of our consideration—I say it is one of the most remarkable circumstances that I can ever recollect in debate, and shows the importance of not deciding precipitately on great questions, and proves to great advantage what the public and the cause of truth may gain by postponing, if only for twelve months, this settlement. I am not surprised that Mr. Bancroft has now been so silent. I will not now read to the House that which I hope will soon be in the hands of every hon. Member—the report of the Committee of Ways and Means on American manufactures, presented to Congress on the last day of February in this year. When General Taylor stood upon the steps of the Government house in Washington, he must have had that document in his pocket, and its contents must have inspired that peculiar and protective passage in his inaugural speech with which we are familiar. One portion of that report is so very germane to the present discussion, that were it not that we have arrived at so advanced an hour, I should not have hesitated to have submitted it to the consideration of the House. It expresses the opinion, solemnly arrived at and deliberately recorded, of the Committee of Ways and Means in favour of the navigation laws of America as existing at the present moment, and recommends that no change or modification should be permitted under any circumstances whatsoever. It is only the late hour that precludes me from reading that document; but touching, as I am obliged to do, very lightly on the most important points of the subject before us, I think I may have given you reason to see how, when their theory had become unpopular, as it has by the confession of the noble Lord at the head of the Government, their factitious case, which they prepared for a particular purpose, has entirely melted away under discussion and the influences of time and truth. All the pleas brought forward to vindicate this great change, are—taken separately—paltry and insignificant. Take them singly, and there is no one at either side of the House who would advocate this vast change on the single plea of any one of them. No one would recommend it on account of the inconveniences to commerce attendant on the present system—no one would recommend it on account of the increased amount of freight, for the freight is really not higher in England than anywhere else—no one would recommend it to palliate the inconveniences of the present regulations of the long voyage—no one would recommend it, in short, for purposes which simply and solely had reference to commercial intercourse. Would it be recommended because of the colonial discontent alone? Your case falls under you then. The only case you have is Canada, which comes to you for a duty of 5*s*. on American corn. Will you recommend it in consideration of Continental menace and foreign perils? Hardly that. On these grounds the question will scarcely bear discussion. You are deserted by America, and Prussia does not exist as a Government. But it is the aggregation of these flimsy pleas that is to be the foundation of this enormous revolution. This measure was got up in a hurry, and was attempted to be bolstered through the House last Session before the country was aware of the merits of the question. Dust was thrown in the eyes of the people and their representatives. They were confounded by the whisk and whirl of "the great question of the day." The great principle of free trade was said to be at stake. They were dinned to death by free trade, the injury and inconvenience accruing to commercial intercourse, the discontent of the colonists, the menaces of foreign Powers, and they felt it was better to come to what the noble Lord the First Minister of the Crown calls "a settlement of the question." There is nothing I admire more than this readiness to "settle" a question. What is it? What does it mean? Nothing more or less than this, the settlement of questions you have yourselves unsettled. The noble Lord goes about looking for a great question for the Session, and finds amongst his free-trade allies some crude jejune theory. He clasps it to his bosom, and incontinently adopts it for his own. A great interest is attacked—a great agitation is set on foot, and then he comes forward like a great statesman to appease it. He unsettles an interest, and then he settles the question by destroying the interest. Sir, that is the whole policy of the Whig party. To-night they have obtained an illustrious ally in the person of a right hon. Gentleman, who tells us we have to decide between reaction and progress. But progress where? Progress to Paradise, or progress to the devil? People don't want to hear any longer of these undefined, windy phrases of "progress;" they want to know where you are progressing to. What are you at? What do you mean to do? What are you about? When you have defined to them what you mean to accomplish, they will then weigh whether what they possess, or did possess, is worth more than you promise. The Manchester school is at least intelligible. It is composed of men who leave us in no mystery as to their intentions. They tell us frankly that they want to overthrow the Church—to destroy the landed tenure—to change the whole constitution of the land, and to do many other things besides which may be perilous, perhaps fatal, to this country, but which, at all events, when advocated by them, find us in this position, that we know what we are about. We feel that we have manly foes to grapple with, and I hope and believe we may defeat them. But these *dilletante* disciples of progress are very dangerous opponents—and I very much regret to learn that one so eminent and experienced as the right hon. Baronet the Member for Ripon should have intimated his intention of taking his stand where he is, for I must express my regret that where he is he is likely in consequence to remain. The right hon. Gentleman says he cannot acknowledge that public opinion is against the proposition of the Government. He says, "the Members for the outports are not against it." I will not stop here to notice the spirit in which the right hon. Gentleman spoke of the exercise of the right of petitioning this House. It seems to be not so much in favour in some quarters as it was once held. The right hon. Gentleman says the Members for the outports voted for the measure, and that the presumption, therefore, is, that the constituencies of these places are in favour of the alteration. He says, "Why, the two Members for Liverpool, and the Member for Glasgow, support the proposition of the Government." That may be; but it is quite possible that men may have been elected without having made a frank exposition of their opinions. Men may have been sent to the House of Commons—and I know from experience that men have been so sent—pledged to support a particular policy, and when they got there they have abandoned it. I do not know what passed between the hon. Members for Liverpool and their constituencies at the last election; it is possible no communication took place between them on the subject of the navigation laws; but, if this were so, it showed great neglect on the part of the electors of Liverpool, and they deserve what they have got. With regard to the hon. Member for Glasgow, I have reason to believe the misconception is of a more unfortunate kind, for I am informed he had a frank communication with his constituency, and left them with the unfortunate misconstruction on their minds that he was coming up to London to oppose the Bill. I have no doubt the Member for Glasgow has good reasons for changing his opinions; but when I am told that Glasgow cannot be against the measure, because its Member has not opposed it, I think I am justified in referring to these facts. The right hon. Gentleman the Member for Ripon, in the third place, thought fit to change the whole tone of the debate, and referred to a speech delivered by a noble Lord in another place. He, as it were, changed the venue of the issue before us. It was not the navigation laws, but the corn laws of England that were brought on the carpet; and it was not so much the fate of the Government that exists, but the possible fate of a Government that might exist, that animated the fervid rhetoric and evoked the measured denunciation of the right hon. Gentleman. He was, however, somewhat inconsistent in his taunts. He said, "If you doubt the policy, why don't you boldly come forward and challenge its propriety? Why not," said the right hon. Gentleman, "boldly come forward and ask us to retrace our steps?" And having put this pertinent interrogatory, he proceeded to observe, that he looked upon the division of to-night as a regular stand-up fight on the question, whether this Government shall advance or retrograde, and that the whole protective system was again at stake on the division on which we are now about to enter. If that be indeed the case—if that be the real character of the debate to-night, that the true nature of the struggle we are about to engage in—the right hon. Gentleman most assuredly ought not to do us the injustice of alleging that we on this side of the House are anxious to evade the contest. Sir, I beg leave to give the right hon. Gentleman an earnest assurance that he shall have no reason to complain of any reluctance upon our part to afford him frequent and ample opportunities for vindicating the policy which he was instrumental in introducing, and for which he is now responsible before this House and his country. But, Sir, I must be permitted to adopt the rule laid down by the right hon. Gentleman near me, and "avail myself of the experience of the last three years." It is a magic term. It was the foundation of all your changes. Let them be accomplished, as they are now near their accomplishment, and then we can decide on your policy by the very test to which you have yourselves appealed. The hon. and learned Member for Midhurst has called the attention of the House to the great stake which depends on your vote to-night. He has reminded you of the vast amount of capital invested in this trade. He has reminded you of the great revenue expended for wages of labour. Let me remind you also of one statistical fact which is true and most interesting. Take all the male operatives of all the factories of Great Britain, adult and beneath the age of eighteen years, add them all together, and the total computation will not amount to the number of the merchant seamen of England. The interest, therefore, is a great interest. Called on to effect this great change out of regard for the experience of the last three years, let me remind you of some circumstances which have occurred since the commencement of that term which has been so often referred to as the test of political and economic truth. Since that term commenced, the poor-rates of England have increased 17 per cent. Since that term commenced, it appears from the last returns of the property tax that have been presented to this House, that the capital of England has been diminished more than 100,000,000*l*. Since that term commenced, it appears that the average increase in the deposits in the savings banks has diminished exactly one-half. These, too, are facts — these, too, are details of surpassing interest in the discussion of this question. Sir, if this be not the handwriting on the wall, I know not where kings and senates are to seek the sources of warning and admonition. Yes, there is more at stake, I agree with the right hon. Baronet the Member for Ripon — there is more at stake in your vote to-night, even than the navigation code, precious though that prize may be. You can, by your vote to-night, beat down that great statistical conspiracy which has so long tampered with the resources and trifled with the fortunes of a great country —that great statistical conspiracy which commenced its labours by proving that the English peasant was a serf, and consistently concluded them by demonstrating that the British sailor was a sot. Will you, by your vote to-night, commend these patriotic labours to the sympathy of a grateful people? Or will you, by the recollection of your past prosperity — by the memory of your still existing power—for the sake of the most magnificent colonial empire in the world now drifting amid the breakers — for the sake of the starving mechanics of Birmingham and Sheffield—by all the wrongs of a betrayed agriculture — by all the hopes of Ireland—will you not rather, by the vote we are now coming to, arrive at a decision which may to-morrow smooth the careworn countenance of British toil—give faith and energy to native labour — and at least afford hope to the tortured industry of a suffering people?

MR. CAMPBELL rose to address the House amidst loud cries of "Divide!" The hon. Gentleman having failed to obtain a hearing, resumed his seat. Previous to doing so he moved the adjournment of the debate.

LORD J. RUSSELL expressed a hope that the hon. Gentleman would not persist in his Motion for an adjournment, as they were very anxious to come to a division on that night.

MR. CAMPBELL then withdrew his Motion for adjournment.

Motion made, and Question proposed, "That the Debate be now adjourned."

Motion, by leave, withdrawn.

Question put. The House divided:— Ayes 275; Noes 214: Majority 61.

List of the AYES.

Abdy, T. N.
Adair, H. E.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anson, hon. Col.
Anson, Visct.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blackall, S. W.
Blake, M. J.
Blewitt, R. J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brand, T.
Bright, J.
Brotherton, J.
Brown, H.
Brown, W.
Browne, R. D.
Bunbury, E. H.
Burke, Sir T. J.
Busfeild, W.
Butler, P. S.
Buxton, Sir E. N.
Campbell, hon. W. F.
Cardwell, E.
Carter, J. B.
Caulfield, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chaplin, W. J.
Charteris, hon. F.
Childers, J. W.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobden, R.
Cockburn, A. J. E.
Colebrooke, Sir T. E.
Collins, W.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Crowder, R. B.
Currie, R.
Dalrymple, Capt.
Damer, hon. Col.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, W. J.
Denison, J. E.
Devereux, J. T.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Douglas, Sir C. E.
Drummond, H.
Duff, G. S.
Duncan, Visct.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, Sir De L.
Evans, J.
Evans, W.
Ewart, W.
Ferguson, Col.
FitzPatrick, rt. hn. J. W
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, R. M.
Freestun, Col.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granger, T. C.
Grattan, H.
Greene, J.

Greene, T.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Earl
Guest, Sir J.
Hallyburton, Lord G. F.
Hanmer, Sir J.
Hastie, A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heneage, G. H. W.
Heneage, E.
Henry, A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hollond, R.
Hope, H. T.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. J. K.
Howard, hon. E. G. G.
Hume, J.
Hutt, W.
Jackson, W.
Jermyn, Earl
Jervis, Sir J.
Keppel, hon. G. T.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lawless, hon. C.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lincoln, Earl of
Littleton, hon. E. R.
Loch, J.
Locke, J.
Lockhart, A. E.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
M'Taggart, Sir J.
Maitland, T.
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, J.
Martin, S.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Monsell, W.
Morris, D.
Mowatt, F.
Muntz, G. F.
Norreys, Lord
Nugent, Lord
O'Brien, J.
O'Brien, T.
O'Connell, J.
O'Connor, F.
Ogle, S. C. H.
Ord, W.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Pearson, C.
Peel, rt. hon. Sir R.
Peel, F.
Perfect, R.
Peto, S. M.
Philips, Sir G. R.
Pigott, F.
Pilkington, J.
Pinney, W.
Power, N.
Price, Sir R.
Pusey, P.
Rawdon, Col.
Reynolds, J.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Salwey, Col.
Sandars, G.
Scholefield, W.
Scrope, G. P.
Scully, F.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smith, J. B.
Somers, J. P.
Somerville, rt. hn. Sir W.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Sutton, J. H. M.
Talfourd, Serj.
Tancred, H. W.
Tenison, E. K.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townshend, Capt.
Traill, G.
Trelawny, J. S.
Vane, Lord H.
Verney, Sir H.
Villiers, hon. C.
Vivian, J. H.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Ward, H. G.
Watkins, Col. L.
West, F. R.
Westhead, J. P.
Whitmore, T. C.
Willcox, B. M.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wrightson, W. B.
Wyld, J.
Wyvill, M.
Young, Sir J.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Adderley, C. B.
Alexander, N.
Anstey, T. C.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, H. J.
Baines, M. T.
Baldock, E. H.
Bankes, G.
Baring, T.
Baring, hon. F.
Barrington, Visct.
Barron, Sir H. W.
Bateson, T.
Bentinck, Lord H.
Bernard, Visct.
Blackstone, W. S.
Blair, S.
Blakemore, R.
Blandford, Marq. of
Boldero, H. G.
Bourke, R. S.
Bowles, Adm.
Brackley, Visct.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Broadwood, H.
Bromley, R.
Brooke, Lord
Brooke, Sir A. B.
Bruen, Col.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Carew, W. H. P.
Cayley, E. S.
Chandos, Marq. of
Chichester, Lord J. L.
Cholmeley, Sir M.
Christopher, R. A.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Compton, H. C.
Cotton, hon. W. H. S.
Cubitt, W.
Davies, D. A. S.
Deedes, W.
Dick, Q.
Disraeli, B.
Dod, J. W.
Dodd, G.
Drax, J. S.-W. S. E.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, G.
Dunne, F. P.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Emlyn, Visct.
Euston, Earl of
Farnham, E. B.
Farrer, J.
Fellowes, E.
Ffolliott, J.
Filmer, Sir E.
Floyer, J.
Forester, hon. G. C. W.
Fox, S. W. L.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Goddard, A. L.
Godson, R.
Gooch, E. S.
Gordon, Adm.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Granby, Marq. of
Grogan, E.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Harris, hon. Capt.
Henley, J. W.
Herbert, H. A.
Herries, rt. hon. J. C.
Hildyard, R. C.

Hildyard, T. B. T.
Hodgson, W. N.
Hood, Sir A.
Hope, Sir J.
Hornby, J.
Hotham, Lord
Hudson, G.
Hughes, W. B.
Inglis, Sir R. H.
Jocelyn, Visct.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, R.
Kerrison, Sir E.
Knight, F. W.
Knightley, Sir C.
Knox, Col.
Lacy, H. C.
Law, hon. C. E.
Legh, G. C.
Lennox, Lord H. G.
Leslie, C. P.
Lewisham, Visct.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lygon, hon. Gen.
Meagher, T.
Mandeville, Visct.
March, Earl of
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Moody, C. A.
Morgan, O.
Mullins, J. R.
Mundy, W.
Mure, Col.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Newry and Morne, Visct.
O'Brien, Sir L.
Ossulston, Lord
Packe, C. W.
Palmer, R.
Palmer, R.
Pennant, hon. Col.

Plowden, W. H. C.
Plumptre, J. P.
Portal, M.
Pryse, P.
Reid, Col.
Renton, J. C.
Repton, G. W. J.
Richards, R.
Robinson, G. R.
Rufford, F.
Rumbold, C. E.
Rushout, Capt.
Sadleir, J.
Sandars, J.
Scott, hon. F.
Seaham, Visct.
Seymer, H. K.
Shirley, E. J.
Sibthorp, Col.
Sidney, Ald.
Smyth, Sir H.
Smyth, J. G.
Somerset, Capt.
Sotheron, T. H. S.
Stafford, A.
Stanley, hon. E. H.
Stephenson, R.
Stuart, H.
Stuart, J.
Sturt, H. G.
Talbot, C. R. M.
Thompson, Ald.
Thornhill, G.
Trollope, Sir J.
Tyrell, Sir J. T.
Urquhart, D.
Villiers, hon. F. W. C.
Vyvyan, Sir R. R.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Wawn, J. T.
Welby, G. E.
Williams, T. P.
Willoughby, Sir H.
Wodehouse, E.
Worcester, Marq. of
Yorke, hon. E. T.

TELLERS.
Beresford, Maj.
Mackenzie, W. F.

Main Question put, and agreed to.

Bill read 3°.

MR. WAWN then moved a clause, by way of rider to the Bill, providing that where a British ship had arrived from a foreign port, and discharged her cargo in a British port, she should not be required to take a pilot in proceeding from one port in the kingdom to another.

MR. LABOUCHERE objected to the clause as brought forward at an inconvenient time.

MR. WAWN replied, and intimated his intention to divide.

MR. HUME hoped the hon. Member for South Shields would not persist in that intention. He fully agreed in the object of his clause. He knew that the present system of pilotage was extremely onerous to the shipowner, and if he would bring the question forward at a proper period he would cordially support him; but for the present he begged the hon. Member not to persist in his Motion.

Motion made, and Question proposed, "That the said Clause be now read a second time," put and negatived.

Bill passed.

POOR LAWS (IRELAND)—RATE IN AID (ADVANCE OF MONEY).

Order for receiving Report thereupon read.

Motion made, and Question proposed, "That the Report be now brought up."

CAPTAIN JONES said, he did not rise to oppose the measure, but as there was a clause in the report that the money was to be repaid from the produce of the rate in aid, he felt that if he supported that clause he would be a party to deluding the House, for he was satisfied that the money would not be raised. He quoted at some length the evidence of Mr. Twisleton to the effect that the rate in aid would not only be collected with difficulty, but that it would endanger the whole working of the poor-law in Ireland.

MR. BROTHERTON objected to hon. Members getting up an Irish debate at that late hour.

COLONEL DUNNE said, he had not the slightest wish to make an Irish debate, but he was quite ready to join in an Irish division.

MR. SHARMAN CRAWFORD said, from the knowledge he had of the north of Ireland, he was satisfied that the people there would never voluntarily submit to the imposition of this tax, believing it to be unconstitutional and unjust. The collection of the tax would cost more money than its produce would amount to; and if English Members voted for the advance of this money on the faith that it would be repaid by the rate in aid, they would be voting under a delusion: it would be a taking of money under false pretences.

The MARQUESS of WORCESTER moved that the report be received that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. HERRIES recommended the noble Marquess not to press his Motion to a division, as other opportunities would arise in the course of the debate on the measure.

The Marquess of WORCESTER said, that he had moved the Amendment, because he was well aware of the great difficulty which would be found in collecting this rate, arising from the great repugnance of the people of Ireland to pay it. He thought that in so doing he should have received the support of the Irish Members, but as most of them had now left the House, he begged to withdraw his Amendment.

Question proposed, "That the word "now" stand part of the Question."

Amendment, by leave, withdrawn.

Main Question put, and agreed to.

Resolution reported—

"That the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland be authorised to direct the advance, out of the Consolidated Fund of the said United Kingdom, of any sum, not exceeding 100,000*l.*, for affording relief to certain distressed Poor Law Unions in Ireland, the same to be charged on any Rate to be levied in each Union of Ireland under any Act to be passed in the present Session of Parliament."

Resolution agreed to.

Instruction to the Committee on the Poor Laws (Ireland) (Rate in Aid) Bill, that they have power to make provision therein pursuant to the said Resolution.

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, April 24, 1849.

Minutes.] *Took the Oaths.*—The Lord Clarina.

Public Bills.—1^a Indictable Offences (Ireland); Apprehension of Deserters (Portugal); Summary Convictions (Ireland); Law of Evidence Amendment; Highways; Navigation.

2^a Smoke Prohibition.

Reported.—Grants of Land (New South Wales); St. John's, Newfoundland, Rebuilding.

3^a Society for the Prosecution of Felons (Distribution of Funds).

Petitions Presented. From Hawkesbury, that Article 11, Sect. 3, Cap. 2, may be Expunged from the Criminal Law Consolidation Bill.—By the Earl of Harrowby, from Leicester, and other Places, against the Granting any new Licenses to Beer Shops.—From Fordyce, for a Diminution in the Number of Spirit Licenses (Scotland).—From Swanington, and other Places, for the Adoption of Measures for the Suppression of Seduction and Prostitution.—By the Duke of Richmond, from Chichester, for the Enfranchisement of Properties holden under Ecclesiastical Bodies.—From Ulster, against the Leasehold Tenure of Land (Ireland) Bill.

THE ARMY IN INDIA.

The Marquess of LANSDOWNE: I rise, my Lords, in pursuance of the notice I have given, to move that the Thanks of the House be presented to the Governor General of India, the Commander-in-Chief, and the Officers and Soldiers of the Army of India, for their services in the late operations; and if in the few observations with which I think it necessary to preface this Motion, I feel conscious that I labour under some deficiency arising from professional ignorance on the one hand, and from local ignorance of the scenes of these great events on the other, I have still the satisfaction of knowing that I am speaking in the presence of those who are well able to supply that deficiency, who have had their own share of the laurels to be gathered in those scenes, and who are familiar with the soil in which those laurels have been ripened to maturity. Being sure, I say, that such deficiency on my part will be ably supplied by other of your Lordships, I have only to call your attention very shortly to the events which have recently occurred in the Punjab, and which have led to a brilliant and glorious termination of the war in that country. Your Lordships are all aware that this war, which has agitated and convulsed so considerable a portion of our Indian territories, originated in an act of rebellion—and more than rebellion—in an act of treachery perpetrated at Mooltan. Mooltan is, as I need not state to those of your Lordships who are acquainted with the circumstances of India, not only one of the most considerable commercial towns in that country, but is also one of its most formidable strongholds in a military point of view. Over the garrison of Mooltan a native chief, by name Moolraj, had been appointed to rule, under the control and command of the East India Company. Previously, however, to the events which I am going to detail to your Lordships, that chieftain, in consequence of certain reforms which had been introduced under the authority of the Company, had voluntarily resigned his command. Subsequently to that resignation, two officers in the service of the East India Company, Mr. Vans Agnew and Lieutenant Anderson, well fitted for the object on which they were employed, were sent to Mooltan to assist the successor of Moolraj in the government of the territory to which he was appointed. Soon afterwards, owing to the dissatisfaction of a number of persons who had been guilty of much malversation and oppression, and whose interests were likely to be greatly affected by the change of government, an insurrection broke out at Mooltan, of which the object was to replace Moolraj in the authority which he had resigned; and then an atrocity which could not be too deeply deplored was committed, and the two gentlemen whose names I have already mentioned were cruelly and barbarously murdered. After that insurrection and that murder, Moolraj—of whom I am now unwilling to say more, because he is on his trial, and it is not at present known how far he was cognisant of the atrocities committed by those who professed themselves to be his followers—Moolraj again became possessed of the fortress of Mooltan, and by the power at his command, and the numbers who joined in the insurrection, came into possession of all the neighbouring country surrounding Mooltan—a possession, however, which, as I shall show your Lordships hereafter, was not unresisted, but which nevertheless existed and continued to exist to such an extent, that in a short time the insurrection commenced at Mooltan was followed by an insurrection extending all over the country; and, before many weeks elapsed, from every part of that frontier there sallied forth, in arms, hordes of men of the most formidable character, prepared for a desperate and murderous struggle with the forces of this empire and of the East India Company, composed of fanatics of every sect and denomination, united by their common hatred of European power—a hatred founded on their common perception that that power would be exercised to restrain the arbitrary despotism by which their lawless chiefs governed their territories, and leading those chiefs to believe, that as their power would be controlled, and their resources and their fortunes would be diminished by the superior influence of the East India Company, an opportunity had arisen in which they could at length obtain retribution and revenge; and hence every vindictive and disappointed passion was excited and united against us for the purpose of invading, and, if possible, of conquering, all the northern territory of India. Under these circumstances, every effort was made by the Governor General and by the Commander-in-Chief of the army to defend that territory, to repeal the invasion, and to revenge the rebellion, which had originated in treachery, and had been consummated in murder. No time was lost in preparing an army for these purposes; and in a short time, by the zealous exertions of all parties, an army as formidable as any that India has ever seen, was brought to bear upon the scene of action. These events rapidly succeeded each other during the summer and autumn which last year followed the month of April in which the insurrection broke out; and during that summer and that autumn several murderous conflicts and battles were fought, with whose names I shall not trouble your Lordships now, and into the circumstances and details of which I shall not enter now. Enough it is for me to say, that there was not one in which the greatest ability, discipline, and valour, were not displayed by that portion of the British army which was engaged. But here I ought also to say, that if I were to go minutely into the history of those actions, that history would not only sustain the high character for courage which the British army has always displayed in every region of the globe, but it would also exhibit in a striking point of view—for it is right that justice should be done even to our enemy—the distinguished courage and valour of its opponents, engaged, as they conceived themselves to be, in a desperate conflict for their highest interests, and their hitherto uncontrolled independence. But I pass, my Lords, from the events which occurred in the summer and autumn of last year, to those operations which now more immediately call for your attention, and to that Vote of Thanks which I think that you are all anxious to grant unanimously to those gallant men who were engaged in them. In the month of February in the present year, after various actions had taken place, there arrived a period in which Lord Gough felt himself able to attack the united forces of the enemy. I say, my Lords, the united forces of the enemy; for it is one of the singular characteristics of the late conflict that it brought into action and concert together two of the most warlike races which are to be found from one end of India to the other. It brought into action and concert the Sikhs and the Affghans—races professing different faiths, but both remarkable, particularly the Sikhs, for having attained a degree of discipline far beyond any previously acquired by any native troops, and which was obtained by the instruction derived for many years from the assistance of European officers. Against that army, so combined and so disciplined, consisting of 60,000 men, and supported by 59 pieces of cannon, brought from every part of the country, and taken from its very fortresses, the Governor General of India was enabled to produce a well-appointed army of 25,000 men, supported by 100 pieces of cannon. That army, in the month of February this year, met the enemy in the field on the plains of Goojerat, and the result was the total dispersion of that dark cloud which threatened, a few months ago, the peace of India. The victory then achieved was achieved by the joint exertions of the generals, officers, and soldiers of that army, made zealously, unremittingly, and unflinchingly; many of them acting under the severe hardships and difficulties of forced marches, rapidly made to reach in time the field of battle. In affording the just tribute of praise to the whole army, I cannot omit particular mention of the exertions of that portion of it which came from Bombay under the command of General Dundas, and which arrived by forced marches, without a halt, at the scene of action the very day before the battle took place. Those forced marches were so well conducted that scarcely a single man was lost upon the road; and in such a condition did they arrive that the brigade took, as I before stated, a distinguished part in the battle; and not only so, but the day afterwards it formed part of the force which, under General Gilbert, was actively engaged in pursuit of the flying enemy. I mention this fact to your Lordships with pride and with pleasure, as a most striking instance of the zeal exhibited by the officers of the Bombay army. I have now stated to your Lordships the magnitude of the services performed. I believe that those noble Lords who are greater authorities than I can pretend to be on the affairs of India, will state to you that these services were performed under circumstances of great difficulty, arising from the strength of the position of the enemy, who had shown great zeal, ability, and knowledge in availing themselves of the advantages of the country, of the difficulties of the fords, and of the proximity of the jungles near which they fought. Here, then, is a brilliant termination to the war which has been attended with so much anxiety, and, I am sorry to say, with so much bloodshed, but which has also been crowned with success at its close as complete as it is glorious to the British arms. I am happy, my Lords, to be able to inform you that that success was not confined to the field of Goojerat; for the fortress of Mooltan—a place strong in position, strong by nature and by art, and under the command of a most resolute chief—was submitted to a siege, which likewise terminated with great glory and high honour to the British Army, and particularly to the artillery branch of it, which exhibited in the capture of it an ability and skill almost unparalleled in the annals of war. Some idea of the efficiency of the services of that branch of our force may be formed from the fact which I now announce to your Lordships, that not less than 26,000 shells were thrown into Mooltan during the continuance of the siege; and the result was, that it surrendered at discretion to Major General Whish, who commanded the besiegers, and to whom I propose to give your Lordships' thanks for the services which he rendered. I must not forget to mention that within eight or nine months from the period at which these transactions commenced in a most barbarous murder, that fortress, hitherto deemed impregnable, beheld the bodies of those two gentlemen, who had been so foully bereft of life, carried in honour from the place into which they had been thrown ignominiously, to receive the final honours of Christian burial, their funeral procession marching through the breach which the gallantry of the British army had formed in the walls, followed by those gallant soldiers who had so well avenged the injury inflicted upon British honour in the persons of Mr. Vans Agnew and Lieutenant Anderson. I hope that the punishment thus inflicted on the Sikhs for their atrocious perfidy will not be forgotten in the district in which it was inflicted, and that it will long remain on record as an instance of the power and valour of the British in India. I have now alluded, my Lords, to the origin of the war, and to the successful termination to which it was brought under the auspices of Lord Gough. I have also alluded to the manner in which the successes of Lord Gough were followed up by Sir W. Gilbert; but I cannot, my Lords, altogether stop here. It is incumbent upon your Lordships to recollect, that, although you are now about to give honour by name to those distinguished officers who held high command in the late operations, it is not in your power, by any vote which you may pass, to do justice to all the meritorious individuals effectually and usefully employed in obtaining these valuable results; and I cannot but think, and I am sure there is not one of your Lordships who has been in the habit of contemplating the course of events in India, and the wars in which you have been engaged, with interest, and even with auxiety, who will fail to have been struck, as I always have been, with the peculiar character of that warfare, and its effects in eliciting—not only in commanders, in generals, and in leaders, but in subaltern officers — qualities of the greatest possible value — qualities not called forth in the same amount or in the same degree, perhaps, in any other service. These subalterns are sent out of this country at a very early age, and are not unfrequently called upon to exercise their judgments and abilities when detached from the authority of others, and compelled to act in a great degree for themselves — compelled to use their own discretion, not merely in exposing their lives and those of their followers —not merely in the exercise of that military discipline and authority which it is to be hoped every British officer has learned to exercise—but also in dealing with the passions, the prejudices, and the feelings of populations with whom they cannot have before been familiar; and yet upon their success in gaining the confidence and goodwill of these people must depend mainly their being enabled to render useful and efficient service to their country. My Lords, I must, therefore, recall to your recollection that one of the distinguishing features of this campaign has been, that many young officers have been enabled, under the most difficult and trying circumstances, without assistance and without instructions, to obtain most considerable and advantageous success in the prosecution of this warfare. I stated to your Lordships, in referring to the siege of Mooltan—or rather to the defection of the garrison and population of Mooltan — that Moolraj, the chief of that place, had endeavoured, immediately upon this defection making its appearance, to occupy all the surrounding country. No sooner was it known in the country that the defection had taken place, and that Moolraj and the town of Mooltan and the country surrounding it were in open insurrection, than an officer, stationed at some days' march from that place, finding himself with a single regiment at his disposal — I am now alluding to a name which I trust is already familiar to your Lordships — I mean Major Edwardes, at that time Lieutenant Edwardes, who, I must state to your Lordships, was about eight or nine years ago a mere boy in India: it is only, I believe, eight years since he received his appointment; he was in the year after appointed aide-de-camp to Lord Gough, whom he assisted in every action since his appointment in India, and in one of which he was wounded—that officer having, then, been recently appointed assistant in the management of the country in the neighbourhood of Mooltan, and finding himself at the head of a single native regiment, conceived the design of driving Moolraj into his fortress, and rescuing the whole of the country round Mooltan from his grasp. He effected it; and he effected it without the assistance of a single European soldier. Such was his character, such was the confidence which he had inspired among the natives, such was the means that he used, and such was the revenue that he raised at the moment in this very country that he was rescuing from the grasp of the treacherous Moolraj, that he was enabled to unite a very considerable force—that force entirely native—composed entirely of new levies—he was enabled to pay those levies, to arm them, and to drive back that chief within the very walls of that fortress from which he had issued to obtain possession of the surrounding country. He did so, after defeating him in two pitched battles, in every one of which Lieutenant Edwardes was himself personally engaged, inspiring confidence among the troops by his exertions, in more than one instance actually seizing the enemies' gun with his own hand, and by his uniform good conduct and ability commanding the affections and the respect of the natives who followed in his army. This was conduct deserving the warmest approbation of the country. But, I am glad to say, this is not a solitary example. There were others also deserving of similar approbation. There is the case of Lieutenant Abbott, the case of Lieutenant Lake, the case of Lieutenant Herbert—and I mention the case of this last officer the more prominently, because he was left in the fortress of Attock without a single European soldier, and maintained himself in it successfully for many months against a very superior force of the enemy. Services such as these are deserving of the highest praise of your Lordships; and it is important to call attention to them, not only in justice to those officers themselves, but as characterising the general spirit of that service of which they form a part; for we may depend upon it, that in stamping such services with the meed of our approbation, we are providing not only for the present, but also for the future interests of the country. It is on the formation of such characters as Major Edwardes and his gallant associates, sent out as they are from this country at an early age, that the future hopes of this country must rest for the existence and continuance of that magnificent dominion in the East, which Providence, in its bounty, has conferred upon us; but on terms which bind us not only to defend it by our arms, but also to improve it by the introduction of good laws, sound morality, and benevolent and wise institutions. My Lords, I have nothing more now to say. I hope that you will confer on Lord Dalhousie, the Governor General of India, a Member of your House, your thanks for the zealous care and ability with which he provided an army to take the field. I hope that you will also confer them on Lord Gough, the Commander-in-Chief in India, for his indomitable courage in the hour of battle. I hope that you will also confer them on the other eminent officers whose names are contained in the vote which I shall have the honour to propose to you; and in conferring those thanks, I hope that your Lorships will consider yourselves as representing the country at large, and expressing its gratitude for the great and eminent services which these brave men, officers as well as soldiers, have been rendering it during the last nine months on the distinguished scene of their late triumphs. The noble Marquess then moved, amid loud cheers, the following resolutions:—

"That the Thanks of this House be given to the Right Hon. the Earl of Dalhousie, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of India, for the Zeal and Ability with which the Resources of the British Empire in the East Indies have been applied to the Support of the Military Operations in the Punjab.

"That the Thanks of this House be given to General the Right Hon. Lord Gough, Knight Grand Cross of the Most Honourable Order of the Bath, Commander-in-Chief of the Forces in India, for the conspicuous Intrepidity displayed by him during the recent Operations in the Punjab, and especially for his Conduct on the 21st of February, 1849, in the Battle of Goojerat, when the British Army obtained a brilliant and decisive Victory.

"That the Thanks of this House be given to Major-General Sir Joseph Thackwell, Knight-Commander of the Most Honourable Order of the Bath; to Major-General Sir Walter Raleigh Gilbert, Knight-Commander of the Most Honourable Order of the Bath; to Major General William Samson Whish, Companion of the Most Honourable Order of the Bath; and to Brigadier-Generals the Hon. Henry Dundas, Companion of the Most Honourable Order of the Bath; Colin Campbell, Companion of the Most Honourable Order of the Bath; Hugh Massey Wheeler, Companion of the Most Honourable Order of the Bath; and James Tennant; and to the several Officers, European and Native, under their Command, for the indefatigable Zeal and Exertions exhibited by them throughout the recent Campaign.

"That the Thanks of this House be given to the Non-Commissioned Officers, and Private Soldiers, European and Native, for the service rendered to the British Empire by the signal Overthrow of the numerous Enemies combined in Arms against them; and that the Opinion of this House be signified to them by the Commanders of the several Corps.

"That the Thanks of this House be given to Major-General William Samson Whish, Companion of the Most Honourable Order of the Bath, for his eminent Services in conducting to a successful issue the Siege of the Fort and City of Mooltan.

"That the Thanks of this House be given to the several Officers, European and Native, under the Command of Major-General Whish, and to the Officers of the Indian Navy employed upon that Occasion, for their gallant Conduct during the Siege of Mooltan.

"That the Thanks of this House be given to the Non-Commissioned Officers and Private Soldiers and Seamen, European and Native, for the Bravery and Fortitude manifested by them during the Siege of Mooltan; and that the same be signified to them by their several Commanders.

"Ordered—That these Resolutions be transmitted by The Right Hon. The Lord Chancellor to The Governor-General of India, and that he be requested to communicate the same to the several Officers referred to therein."

After his Lordship had read them to an end, he added:—Perhaps I may be permitted to add that the scene of this extraordinary victory has not witnessed a severer struggle between steady and well-disciplined valour on the one side, and numbers and courage on the other, since the day when the greatest conqueror of ancient times, Alexander, brought the Macedonian phalanx to bear on the self-same spot upon one of the bravest and greatest Sovereigns of the East at that time.

LORD STANLEY: My Lords, if I rise to support the Motion now made by the noble Marquess opposite, it is not because I have the presumption to think that I can add anything to that eulogium which, with so much justice, truth and ability, he has bestowed upon those gallant men to whose combined efforts we owe the late brilliant successes of our arms; nor that I have the slightest ambition to speak upon such a subject in the presence of the highest living authority, that of my noble and gallant Friend at the table (the Duke of Wellington)—the highest of all military authorities—from whom it would be hardly too much to say that a few words of discriminating commendation will be as highly valued by military men as any vote which your Lordships are now called upon to give; nor in the presence of the noble

Earl behind me, who possesses so much local experience, the late Governor General of India (the Earl of Ellenborough); nor in the presence of another noble and gallant Friend near me, who possesses so much military knowledge and local experience combined (Viscount Hardinge). They are able to speak positively and with authority upon these matters. The only excuse that I can have for venturing to offer myself to your Lordships, even for a single moment, is, that I think it not undesirable to mark, in the most emphatic manner, that upon questions of this kind no party differences among us can be permitted for a single moment to prevail—that, widely as we may differ upon questions of domestic colonial and foreign policy, the anger of party strife and all those considerations are silent when the honour of our country and the glory of our arms are under discussion—that we feel a united and common interest in the welfare of our country and the advancement of our military glories—and that we also feel a pride and an honour in tendering the united tribute of our gratitude to those brave and gallant men by whom those great objects are maintained, advanced, and promoted. Upon the present occasion, I believe I may congratulate your Lordships and the country, and those gallant men who have achieved these successes, that as their cause was among the justest—as their successes have been of the most signal character, so, also, the results of these signal successes are likely to be of the most decisive and permanent character. It is not alone that we have added to the present military glories of the country, but, in addition to that additional glory and honour, we have laid the foundation of a long and permanent peace, to the permanent glory and advantage of the great interests of this country; and, I will add, I trust and believe also to the permanent welfare and prosperity of our enemies themselves. My Lords, I look upon these victories with the more importance, because, while I feel, what I am sure your Lordships must feel, that our empire in India must, to a certain extent, rest upon the prestige of our power, and the absolute belief, by the people of India, of our military superiority, still, on the other hand, it can only be maintained, and still more, that magnificent empire can only be made a really valuable addition to the wealth, strength, and power of this country, by laying deeply in times of peace, in the sense not only of power exercised over them, but of power exercised for their benefit, the foundation of a lasting and valuable peace, and advancement with peace of those arts and those improvements which, under the blessings of peace, can alone be expected to flourish and prevail in that empire. I am quite confident that it will be a subject of satisfaction, worthy of the generous nature of the profession, and the high feeling of the gallant officer who has recently gone out to take the command in India, to whom, at a moment when Indian affairs were certainly the subject of considerable anxiety in this country, the eyes of all men at once turned as the man in whom the army of this country and of India would have the greatest confidence, and whose efforts would be the most likely to contribute to success—I say, I know that that gallant officer will share the satisfaction which is felt by your Lordships, when, upon his arrival in India, he shall find that that crisis which led to calling forth his services has passed—that his old companion in arms, without his assistance, and without his interposition, has successfully weathered that crisis, and added fresh laurels to those which he had already achieved in the field—that he has shown that there was no cause for the alarm which prevailed as to the ultimate results of this conflict, and has obtained for himself by this brilliant victory and signal success the honour which he shares together with the whole of the army engaged upon this occasion. My Lords, I know it will be a source of gratification to the gallant officer, who at once responded to the call of the country, and at a very short notice, and at considerable personal inconvenience, undertook what was then deemed an enterprise of no small risk and responsibility—I know it will be a subject of satisfaction to him that that Indian army with which he was so familiar has so well maintained its character as to deserve to be associated with Her Majesty's English troops. He will rejoice to find more especially that the corps partly raised under his own eye—the Scindian Irregular Horse—has signally distinguished itself upon the recent occasion, and even had the honour of leading into action one of Her Majesty's most distinguished regiments. My Lords, when all have performed their part so signally to their own credit, and to the advantage of the country, it would be invidious in any one, indeed it would be hardly decent in one so ill competent as myself, to single out for comment any particular branch of the service; yet I can scarcely refrain from expressing the tribute of my admiration, which, I believe, is shared by very high authorities, of the manner in which their duties have been performed by that unrivalled artillery which, by its terrible execution, rendered it impossible for any enemy long to stand before it, even though that enemy were, as upon the present occasion, no mean proficients in that branch of the service—an enemy whose signal bravery fully entitles him to the comments which the noble Marquess has bestowed upon him, and whose valour rendered him no unworthy opponent even of the British army. Perhaps, my Lords, I may be permitted to express my satisfaction that one gallant and well-known regiment which, with hardly less of surprise than regret, upon a recent occasion, the world heard of having yielded to one of those momentary panics to which the best and the bravest of regiments are at times liable—has had the opportunity upon this more recent occasion of showing that its true courage remains unbroken, and that it still retains its ancient spirit and valour—that it has had the opportunity of vindicating for itself the noble claim to participate in all its former honours, unblemished by the temporary cloud which for a moment might appear to have passed over its head. I feel that I ought almost to apologise for having offered a single observation upon the subject, and I will not so far presume upon your patience as to enter into the details of these transactions, which will come better from some one more conversant with the subject than myself. I am sure that if it will be any additional satisfaction to those gallant men for whose services we are now called upon to express our thanks to know that the vote has been agreed to without even a shadow of opposition—on the contrary, concurred in by every one of your Lordships—that that satisfaction will be conceded to them, and that those gallant men who have so nobly earned the gratitude of their country will have the satisfaction of knowing that that which they have so nobly earned, your Lordships frankly, freely, cordially, gratefully, and without a dissentient voice, have conferred upon them to-night, as the unanimous approbation and thanks of the Peers of their native land in Parliament assembled. I would suggest, therefore, that the words *nemine contradicente* be added to the Vote of Thanks.

The EARL of GALLOWAY said, that he concurred in the Motion before the House, and heartily assented to the general arguments by which, from one side and the other, it had been recommended to their Lordships' adoption. But he felt that, while as British subjects and British Peers, it well became them to express their obligations to the distinguished individuals who had exerted their best energies in council, and who had, with the gallant army under their command, perilled their lives in the field in defence of the British empire in India—that while they were properly called to render the tribute of their thanks and praise to the instruments by which such important results had been accomplished, yet that it was their still higher duty as a Christian Legislature not to forget the Divine interposition in our behalf. "Not unto us, O Lord, not unto us, but unto Thy name be the glory, for Thy mercy and Thy truth's sake." These were the words of the greatest of warriors in ancient times; and, in our own day, the present Governor General of India, and the noble and gallant Viscount, and the noble Earl who had preceded him in office, and also the noble and gallant Lord the Commander-in-Chief in India, had, all of them, in their public despatches, acknowledged the providence of God in the victorious transactions which they narrated. This was, in his belief, the secret and strength of their success in occasional circumstances of almost unparalleled difficulty. Now he (the Earl of Galloway) feeling the importance of unanimity on the present occasion, would not, if such should not be the wish of the House, propose any —even the slightest verbal amendment, for the purpose of embodying such a sentiment in the Motion. But he was forcibly reminded by this Vote of Thanks to his fellow-men—speaking as a Christian man to a Christian assembly—of what was due, not only by the Parliament, but also by the country, to the only Source of all mercy and all power; and it appeared to him, that if ever there was a time in our history when national thanksgiving to the Almighty was demanded, it was the present time. For while these events and this struggle had been going on in the East, Europe had been convulsed, and amid the turmoil and the wreck of surrounding nations it had pleased God to permit us to preserve our institutions in Church and State inviolate. We had certainly had our trials, but we had not been driven as other nations had been driven by despair to resort to remedies infinitely worse than the evils complained of; and while at the same time the pulse of the country beat high with the alternations of hope and fear for what was passing in India—not under the influence of doubts as to the ultimate issue of the struggle there, but under much apprehension as to the amount of loss which we might yet be called to sustain in the course of it—at this moment of suspense intelligence had been received which had relieved all our anxieties, and we had been informed of the total discomfiture of the enemy, with an amount of loss bearing no proportion to the advantages which had been obtained, and to the beneficial results which might be expected to follow. Under these circumstances, while cordially joining in the proposed Vote of Thanks to the Governor General and to the Officers and Army, to whom they were so much indebted, he called upon their Lordships, and especially on the right rev. Prelates who were present, to second his appeal to Her Majesty's Ministers, that they would take these matters into consideration, with the view of advising the Sovereign to appoint a day of general thanksgiving for the signal mercies which had been vouchsafed to the country, accompanied by a national acknowledgment of our unworthiness of them.

The Duke of WELLINGTON: My Lords, I shall not oppose the proposition of the noble Lord who has just addressed you; but I do not think it exactly a subject for your Lordships' consideration at the present moment. The noble Lord, if he thinks proper, may make such a proposition, and I think the House will willingly take it into their consideration; but that which is the object of the Motion before your Lordships this day is to take into consideration the propriety of voting your thanks to the army which has fought during the recent military operations in the Punjab. My Lords, I entirely concur in the observations expressed by the noble Marquess in making this Motion, and by my Friend (Lord Stanley) in seconding the Motion made by the noble Marquess. My Lords, it has fallen to my lot to know, and to have to consider, the great difficulties under which this war has been conducted. And, my Lords, I must say, that in no case have I seen stronger instances of good conduct than in carrying on the operations of which it is now proposed to your Lordships to pronounce your approbation. My Lords, this war originated in the dishonour, perfidy, and faithlessness of the servants and officers of the native Government of Lahore. The Governor General being, under the articles of treaty, the guardian of the infant Maharajah of the Punjab, was bound by this treaty to control the acts of his Government, and to give his assistance in carrying on its operations. My Lords, all the servants of the Lahore Government betrayed their trust. As the noble Lord has stated, Dewan Moolraj—the governor of Mooltan, and of the country under the subjection of that fortress—betrayed his trust, and refused to deliver the command to the officers sent to relieve him, and murdered the two gentlemen sent by the British Resident in order to superintend the delivery of the fortress to the officers selected by the Maharajah, under the superintendence of the British Resident, to take the command. This act of treachery and insubordination was followed by the revolt of the whole country in the neighbourhood of Mooltan; and, my Lords, it was followed by degrees, one after another, by the treacherous revolt and insurrection of all parts of that country; by the revolt of no less than three other fortresses, all of which refused to obey the orders of this Government; the troops being in a state of mutiny and insurrection; all of which had to be got the better of at the same moment. And all this, my Lords, occurred at a season of the year during which it was utterly impossible to put in the field any European troops: it was, indeed, scarcely possible to keep the native troops in the field; but the European officers and troops could not take the field at that season of the year. But, my Lords, by the care and attention of the Governor General and the officers of the British Government, and of the Commander-in-Chief and officers of the army, a body of men was by degrees collected, and that force was attended and assisted by a body of artillery, and sent to Mooltan, which place had been previously invested. Another force was sent to the Punjab, to aid and support the garrisoned places of Lahore, and the other places within the Sikh territory under the treaty. My Lords, the siege of Mooltan could not be commenced until the month of September, notwithstanding that the original atrocities of the murder of the two officers mentioned by the noble Marquess occurred on the 19th of April. But the ground was broken on the 7th of September. On the 14th of

September, after a good deal of progress had been made in the siege, after a gallant attack made in order to lodge the troops in a certain portion of the town which it was necessary for them to occupy in order to carry on the siege with advantage, it was found necessary to raise the siege and withdraw the army a certain distance until reinforcements could be received, because the Sikh army, under the chief who has been since combating with the Indian army, had revolted and gone over to the enemy. It was the 14th of September when the siege was raised; but the care of the Governor General, and the generals and officers in command of the troops in different portions of the country, had provided measures for bringing troops from all parts to the great undertaking of pacifying the country under these circumstances. A force was sent up from Bombay, and arrived at Mooltan on the 26th of September. On the very next day the city of Mooltan was attacked by General Whish and the troops who had arrived under the command of General Dundas, and these Bombay troops carried some of the works that defended the city, and took possession of parts of that town. I mention these circumstances in order that you may vote to General Dundas your thanks for the part he took in the capture of Mooltan, and to the troops under his command, who were brought into that attack and to that siege after such a march as it is from the Indus to Mooltan in the very worst season of the year, and who arrived in time and in such a state as to be put in line and make the attack on the following morning. I mention these circumstances to the credit of General Dundas, because it is one of the remarkable circumstances of these operations. While this siege was going on, the Governor General and the Commander-in-Chief had formed a force to cover the besieging army and keep the country in tranquillity, which was generally in a state of insurrection, and also to observe the movements of those large bodies of troops which were collected on the frontier, and prevent them from disturbing the operations of the siege. The Commander-in-Chief, my Lord Gough, put himself at the head of the covering army, and had to fight those actions to which the noble Marquess has adverted, and which he did with uniform success in each of them, though, no doubt, loss was sustained in some of those actions. But with regard to Mooltan, when it is recollected that this strong place was provided with arms, and that without conditions it surrendered on capitulation when the breaches were opened, and the storming parties were preparing to attack those breaches, and that this place fell into the hands of our army without loss, I think that it may be set down that, on the whole, the service was effected with smaller loss than could have been expected under any circumstances. My Lords, after the siege of Mooltan, the army that had besieged and taken it was put in march, to form part of the army under the command of my Lord Gough, which had been covering the operations of the siege. It made a forced march, and joined Lord Gough's army at the very moment at which the junction became of most importance. It joined on the very day previous to that on which the battle was to be fought, and again, as it has been stated by the noble Marquess, and on the very following morning, the troops were in a state to be able to take their station in line against the enemy, and to take their place in the battle which was fought on the 21st of February. My Lords, I cannot but think that General Whish and the officers of that army are deserving of your Lordships' commendation for these services. My Lords, I have already stated to you the course of the operations carried on with a view to cover the siege and keep the country in a state of tranquillity during that great operation. Several actions were fought, and my noble Friend has adverted to a circumstance which took place in one of these (the retreat of the 14th Dragoons). My Lords, it is impossible to describe to you the variety of circumstances which may occasion mistake or disarrangement during an engagement in the operations of any particular force at any particular moment. An inquiry into these circumstances has been instituted, and I have seen the report of that inquiry. It happens that these cavalry had to conduct their operations over a country much broken by ravines and by rough jungles, which rendered it impossible for the troops to move in their usual regular order. It happened that the officer commanding the brigade of which this corps formed a part, was wounded in the head during the advance, and was obliged to quit the field. The officer next in command being at a distance from the spot, was not aware that his commanding officer was obliged to withdraw from the field. Under these circumstances, the word of command was given by some person not authorised, and of whom no trace can be found; and some confusion took place, which, from the crowd and the circumstances of the moment, could not easily be remedied. But it was removed at last, and all were got in order, and the corps successfully performed its duty, as I and noble Lords around me have seen them perform it on other occasions. My Lords, these things may happen to any troops; but we, whose fortune it has been to see similar engagements in the field, feel what must be felt by all your Lordships —that the character of a corps must not be taken from them from scraps in the newspapers; but the facts must be sought in the report of the Commander-in-Chief, and in the inquiry made by the proper parties—an inquiry very different from that made by the publishers of newspapers. The order was made, and no one needs to be informed that a movement in retreat is not a movement in advance; but your Lordships must be convinced, as I myself am, that the movement in retreat was one of those accidents which must happen occasionally, and that the corps to which it happened were as worthy of confidence then as they have been since, as they were before, and as I hope they always will be. I entirely concur in the approbation which the noble Marquess has expressed of the conduct of Major Edwardes, and other officers, in the course of these transactions. My Lords, these officers were employed under the Resident at Lahore and his officers in the levying of certain inhabitants of the country, and certain disbanded soldiers of the late Sikh army, in order to aid in the defence of the Rajah's government, and to prevent the tranquillity of the country from being disturbed. I am happy to say that these officers well performed that duty, and they have immortalised themselves by their conduct. It is impossible to speak too highly of Major Edwardes and the other gentlemen who have been engaged in these services. My Lords, I also beg to draw your attention to that corps of Scinde Horse raised under the superintendence of my gallant Friend who has been lately selected by the East India Company to command the army in that country. These corps had been raised not more than a few years: and yet in this great battle, in a conflict with an enemy by no means to be despised, they distinguished themselves highly. My Lords, these are the circumstances under which the officers are placed in that country. They are under the necessity of training the natives to arms, to discipline them in the European mode, contrary to the manners, the customs, and the practices of the natives; and they do this in such a manner as to make them feel such confidence in their officers that they are ready to follow them anywhere, even to the cannon's mouth, against these Sikh warriors. It is a remarkable circumstance that the Scinde Horse were formed not more than two or three years since, under Sir C. Napier; and I was not aware of it until I saw it in the reports of these actions, that this body of horse could be put in line to meet the formidable cavalry of the Sikhs and Affghans. My Lords, I am certain that this Motion will be agreed to heartily, and that the unanimous vote of this House will be most gratefully felt by the army that has fought these actions, and which I concur with the noble Lord in thinking is highly deserving of your Lordships' approbation.

The Duke of RICHMOND: My Lords, I cannot deny myself the pleasure of giving expression to the feelings of gratification with which I have heard my noble and illustrious Friend who has just resumed his seat vindicate the high reputation of the 14th Regiment of Dragoons, which in the Peninsular war were second to none in the heroic intrepidity with which they conducted themselves — who had invariably discharged their duties both at home and abroad to the eminent satisfaction of their country and their Sovereign—but to whom, in the late action, some accident unfortunately occurred which prevented their gallantry from being exhibited to as good advantage as on all former occasions. I well remember the character and achievements of the 14th Light Dragoons, and I also preserve a grateful recollection of the name of the gallant officer who led them in the late campaign, and fell gloriously on the field of battle—Colonel Cureton. That distinguished officer entered the Army as a private soldier in the 14th Light Dragoons. I knew him in the Peninsular war as a non-commissioned officer; I watched his progress with the deepest interest, and admired and respected him as one who by his zeal, intelligence, and steadiness, had raised himself to one of the highest staff positions in the Indian army. I pay this tribute to him not only out of regard for his memory, but because I think it is right that the example of Colonel Cureton should be held up to the private soldiers of the

British Army as a subject for imitation and encouragement—to show them that, if they will only do their duty, the highest dignities of their profession will be thrown open to them, and they may hope to be eventually advanced to positions of the highest authority. Connected with the 14th Dragoons, there is a name to which I cannot forbear from alluding—that of the gallant officer who died in leading them to the charge—Col. Havelock—whom I remember well in the Peninsular war as an officer adorned with the most remarkable abilities, and one who was destined and qualified for the command of men of the most consummate bravery. I do not recollect to have ever met a man who had higher qualifications for command, or one who knew better how to ingratiate himself with his men in the field of action. My Lords, I need not say how cordially I approve of the vote now under discussion. I think it a very great compliment to the Indian army, but one of which they are well deserving, that there should be so numerous an attendance of Peers on the present occasion, when we have assembled to testify the gratitude we feel towards those men who have so splendidly and so nobly vindicated the honour and maintained the glory of the British arms. Not only have the European forces discharged their duty in the most exemplary manner, but the Native Infantry of the Indian army, the sepoys, have distinguished themselves pre-eminently by their skill and discipline. Most cordially do I concur in the hope expressed by the noble Marquess, that the result of these brilliant engagements may be to prevent the occurrence of future wars in India. I believe that the prestige of our military exploits in that country will do much to realise that desirable object; but I do most earnestly hope and trust that we shall never see a Government in this country which will be disposed to imperil the advantages we have achieved, by reducing our army in India so as to impair the promptitude and efficiency of its operations. If there had not been in readiness so large a force as was moved to Lord Gough, it is probable that this vexatious war would not have terminated for many years to come. I hope that the war is now over; I trust that we have at length heard the last of it; but however that may be, of this I am confidently persuaded, that the British Army, whenever they are called into the field of battle, will do their duty in the same glorious manner in which they have invariably done it. They care not for forced marches. Give them good officers, in whom they can confide—take care that their discipline is right, and I will have no fears for the British Army, it matters not how powerful or how well organised may be the force that is arrayed against them.

VISCOUNT HARDINGE said, that after the very able manner in which the noble Marquess had moved the vote of thanks that evening, which had been seconded with his usual eloquence by his noble Friend near him, and also after hearing the observations made by the noble Duke, who had expressed his approbation of the operations of the army of the Punjab, he felt he was almost taking an unnecessary step in troubling their Lordships; but, at the same time, he was anxious on this occasion to offer his hearty congratulations to his noble Friend Lord Gough, and to his brave companions of the Indian army, for their glorious services in the late campaign—the triumphant issue of which he had never for a moment doubted. The result had been most complete; and Lord Gough had stated in his despatches, with that liberality which always distinguished him when speaking of the services of others, that the artillery were the chief means of obtaining that victory. It was, it appeared, to the skilful employment of that force that they were indebted for this victory; and great as the result had been, with so small a loss of men, he (Viscount Hardinge) felt that that arm of the service was most admirably conducted on that occasion. This argued most admirable conduct on the part of the artillery; and it would appear, by most of the accounts received, that so effectually had this arm of the service been employed, that the Sikh artillery, though managed as usual with great bravery, was, notwithstanding all their efforts, perfectly silenced; so that it was not necessary for the British infantry to fire in line, with the exception of two regiments of Europeans and four regiments of Native Infantry. With the exception of those regiments, not a regiment of their infantry fired a musket shot, so considerable was the service rendered by the Indian artillery. That force was certainly a most splendid one, and second, he would say, to none; and it had been mainly instrumental in obtaining for Lord Gough one of his best and most splendid triumphs. The statement made by his Lordship, in his despatch, was that the heavy artillery —eighteen-pounders—were actually manœuvred and handled with the facility of field guns. He (Viscount Hardinge) had seen the same thing done with those eighteen-pounders during the campaign of the Sutlej. Two elephants were harnessed to each eighteen-pounder, and they carried the guns with the greatest facility over every sort of ground without any assistance, and without causing any delay or impediment to the infantry. That practice was first resorted to in the campaign of 1846, when the heavy guns were brought up from Delhi, a distance of 300 miles, and were carried on every occasion without any trouble; and he believed that had never before been seen in India. The able officer who commanded the artillery in the late battle had been mentioned—he referred to Brigadier General Tennant, who had been so much praised by Lord Gough: and he (Viscount Hardinge) wished to say that he had the honour of knowing him, and he was ably seconded by another excellent officer. Seeing the great importance of artillery in modern warfare, and seeing, also, that its value had been so signally manifested in India, he would remind their Lordships at the same time that a Committee was sitting elsewhere to investigate the state of the Ordnance Department; and he trusted that their Lordships would not allow that valuable arm of the service, which took so much time to create, and which, when created, was so valuable, to be reduced below a scale of proper strength and efficiency. In Bengal alone the regular army had 200 pieces of artillery ready to be moved, comprising 120 nine pounders and the remainder three and six-pounders, and that was exclusive of all the artillery that belonged to local and irregular corps. Besides that, there was during this campaign more than 100 pieces of heavy artillery, of eighteen and twenty-four pounders actually on the Sutlej, with 1,000 rounds of ammunition per gun. They were all complete and ready for action, and all that was required was the actual necessity for their movement. That was a state of readiness that was very much to be admired; and he hoped they would never consent to cripple that noble arm of their service. The advice of his noble Friend the Master General of the Ordnance was entitled to much respect, from his great experience and military ability, and the Government should consult him, and take care that that invaluable arm was not interfered with. He (Viscount Hardinge) also agreed in what had been said by the noble Marquess with regard to Major Edwardes. He had been in communication with him while in India, and had found him to be a most sensible, intelligent, and clever young man. His services, which had been referred to by the noble Marquess and by the noble Duke, were most important. He had been, during the period referred to, in the command of 10,000 or 11,000 irregular men, who by his ability were kept together; and in a letter which he (Viscount Hardinge) had received from him, he stated he was most anxious that the comrades who participated with him in his services should also be associated with him in his praise, particularly Lieutenant Lake and Lieutenant Pollard, late a student in the King's College, and Lieutenant Nicholson and other officers who had distinguished themselves. He could say there was no service in the world possessed of officers more able and active than the young men who had been sent out by the East India Company. With regard to what had been said by his noble Friend near him with respect to the 14th Dragoons, he (Viscount Hardinge) must say, that he had great pleasure in hearing the noble Duke's just vindication of that gallant corps. His noble Friend and he (Viscount Hardinge) had seen that corps engaged on several occasions in the Peninsula, where they ever held the highest reputation for courage; but he must say, that on this occasion they were placed in difficult circumstances. These had already been sufficiently explained, and he was sure there was nothing to hurt the reputation of that corps when that explanation was known. His noble friend, Lord Gough, on the occasion on which he had distinguished the different officers that were acting under him, had stated that the corps under the command of Major General Gilbert had been ordered to cross the Jhelum, to watch and impede the operations of the remainder of the Sikh army; and he must say he was happy to hear that, for he was a most able aud efficient officer, and from the cool judgment and great intrepidity he had shown on various occasions, he was convinced that under his management nothing would be omitted by which that operation could be properly and successfully conducted. They had also heard what the noble Marquess had stated with respect to the extraordinary circumstance, that there should be a conjunction between the Affghans and Sikhs on this occasion. It was, as the noble Lord had said, one of the most extraordinary circumstances of that insurrection. The Sikhs and Affghans were not only of different religions, but they were rival races; they had also for centuries entertained an inveterate hatred towards each other. It would be of the greatest interest to see the result, and he had no doubt that Major General Gilbert would drive the Affghans from Peshawur, beyond the Kyber Pass. He had no doubt that the late victories of Lord Gough had put an end to and broken the neck of this insurrection. As to the conduct of Lord Gough, he (Viscount Hardinge) would not trouble their Lordships with any observations. He felt, after the observations made by the noble Duke, whose opinion on military affairs was of such great importance, that it was unnecessary for him to do so, and, therefore, he should only say that during a long military life, commencing in the Peninsula, where he commanded the 87th Regiment, Lord Gough had eminently distinguished himself. This was the fourth time that Lord Gough had received the thanks of Parliament for his distinguished services as a general officer commanding Her Majesty's Army and commanding the troops in the field; and when he returned home, and took his seat in that House, he would have the satisfaction of feeling that he had by this, his last and most brilliant victory, rendered great and invaluable service to his Sovereign and to his country.

The EARL of ELLENBOROUGH begged to express the entire gratification with which he had witnessed the unanimity of their Lordships' House on this occasion. He had likewise to assure their Lordships of the great interest with which he had followed all the movements made by the different bodies employed during this campaign. It had not been a campaign of ordinary duration and severity—it had not been a campaign consisting of marches, ending in successful battles—it had been a campaign extending over nine months, during which a large portion of the army was for six or seven months in the daily presence of the enemy, and frequently under fire. In the course of this campaign the troops had experienced almost every variety of military service. A great siege had been carried on with complete success; it had been necessary to protect convoys, and to do the duty of outposts in the presence of the enemy, and all this had to be done in addition to the more important services which had been performed in several fields of battle. During this campaign the troops had acquired all the instruction that was necessary to qualify them on future occasions for all the great operations of war. It was to him most satisfactory that success, so brilliant and complete as that which had been achieved on the field of Goojerat, should come to gild the last concluding services of his friend, Lord Gough. He had the gratification of being acquainted with that noble Lord; and though it was not for him to say anything with respect to the ability he had manifested in the conduct of campaigns, and upon the field of battle, he might express his admiration of many of those high military qualities which even a civilian could appreciate. He admired him for that courage which on all occasions had made him the first soldier in the Army; and above all, for that quality which he (the Earl of Ellenborough) had often and often seen him display, namely, his attention to the sick and wounded in the hospital, and the constant care and attention which he had at all times paid to the comfort and health of his troops. It was most just to associate with Lord Gough, the Commander-in-Chief, the Earl of Dalhousie, the Governor General. It was for the Commander-in-Chief to direct the operations of the army in the presence of the enemy, but it was for the Governor General to prepare, from all parts of the empire, the means by which victory was to be achieved. It was his duty to concentrate their military force, and to provide the army in the field with all the munitions of war; and it was impossible not to see that that duty of the Governor General had been most perfectly performed. His noble Friend who seconded the Motion, as well as other noble Lords, had expressed a hope that this might be the last occasion on which they would have to thank their generals, and officers, and soldiers for great victories in the field. He the (Earl of Ellenborough) entertained the same anxious wish. He would say nothing of the past. He would not inquire how far, under the last treaty of Lahore, it might have been possible for them to prevent the growing up of a numerous, well-appointed, well-disciplined, well-provided army of Sikhs, capable of contending with us upon the fields of the Punjab, in doubtful contest, and without ignominious defeat. But he would say with confidence, that after the experience they had, it would be the most utter and shameless fatuity to place trust hereafter in Sikh troops or in Sikh chiefs; and he trusted the Government would never again permit the consolidation of hostile strength to an extent capable of contending with us. Let those who had lost relatives in those engagements have at least this consolation, that the blood of their relatives had not been shed in vain—that they had fallen not only for their own and their country's glory, but for the consolidation and stability of our empire in India. Our position in India was by this victory altogether changed. We had for many years been undoubtedly the predominant Power in Hindostan; but we had had a very numerous and powerful enemy, with a numerous and well-served artillery, capable of contending with us. That enemy's army was now no more—we now stood in India, in all the countries watered by the tributary streams of the Indus and the Ganges, the sole military power capable of controlling all things by our own single strength. We had grave responsibilities attached to us in consequence of our power—responsibilities not without dangers, different in character, perhaps, but nevertheless quite as great as those which had attended us in our long progress towards this pre-eminent position. But let us not add to those dangers by blindly permitting the reconstruction of the army we have had twice to subdue—let us not, by pusillanimity in our counsels, deprive ourselves of the result of our victories in the field—let us not again have to contend for that dominion which we had twice won—and in that contest let us not again risk, as we had done, our present position and empire in India.

The Marquess of LANSDOWNE explained that the reason why the name of Brigadier General Dundas, who had held the command of a brigade at the siege of Moultan, had not been specifically included in the vote of thanks, was because that gallant officer held the rank of a colonel, and it was contrary to the usual practice to mention the name of a party who was only a colonel in votes of this character. On that ground only, and from no disrespect whatever towards the gallant officer, the omission had taken place.

After a remark from the Duke of WELLINGTON, which was not heard,

Resolved in the affirmative, *nemine dissentiente*.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, April 24, 1849.

Minutes.] Public Bills.—Pupils Protection (Scotland).

Petitions Presented. By Sir John Yarde Buller, from Sydenham Damarell, and from Exmouth and Lympstone, Devonshire, against the Parliamentary Oaths Bill.—By Mr. Williams, from Inhabitants of the Metropolis and its Vicinity, for the Adoption of Universal Suffrage.—By Mr. Bouverie, from Derby, and several other Places, for the Clergy Relief Bill.—By Sir R. H. Inglis, from Maidstone, and other Places, against, and by Sir William Clay, from the Parish of St. George in the East, Middlesex, in favour of, the Marriages Bill.—By Mr. Home Drummond, from the County of Perth, against the Marriage (Scotland) Bill.—By Sir R. H. Inglis, from Norwich, and other Places, against Endowment of the Roman Catholic Clergy.—By Lord James Stuart, from Inhabitants of Ayr and Wallacetown, and by other hon. Members, against, and by Mr. Hume, from Glasgow, in favour of, the Sunday Travelling on Railways Bill.—By Mr. Sheridan, from Shaftesbury, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Brotherton, from Hulme, and other Places in Lancashire, respecting the Lancashire County Expenditure.—By Mr. Hume, from Moreton Say, Shropshire, in favour of the County Rates and Expenditure Bill.—By Mr. Hume, from North Walsham, Norfolk, for Repeal of the Duty on Malt.—By Mr. Granger, from Durham, for Repeal of the Duty on Paper.—By Mr. George Thompson, from Tilehurst, Berkshire, for Reduction of the Duty on Tea, Sugar, Coffee, &c.—By Mr. Deedes, from several Places in Kent, for Agricultural Relief.—By Sir R. H. Inglis, from Norwich, and other Places, for Encouragement to Schools in Connexion with the Church Education Society for Ireland.—By Mr. Meagher, from Waterford, for Sanitary Measures.—By Mr. Hume, from Leith, against the Lunatics (Scotland) Bill.—By Mr. Ewart, from Dumfries, against, and Mr. Labouchere, from Manchester, in favour of, the Navigation Bill.—By Mr. Thomas Greene, from the Lancaster Union, and by other hon. Members, from several Places, for a Superannuation Fund for Poor Law Officers.—By Mr. Walter, from Nottingham, for the Punishment of the Promoters of Promiscuous Intercourse.—By Mr. Bouverie, from Kilmarnock, and other Places, against the Registering Births, &c. (Scotland) Bill.—By Mr. Walpole, from George Hermon Ryland, Esq., London, for Redress.—By Mr. Meagher, from Waterford, for an accurate Registry of Births, Deaths, and Marriages (Ireland).—By Mr. Ellis, from Leicester, for an Alteration of the Sale of Beer Act.—By Mr. Abdy, from Maldon, Essex, for Amendment of the Small Debts Act.—By Lord Dudley Stuart, from Camden Town and Kentish Town, Middlesex, for Inquiry respecting Turnpike Trusts.—By Mr. Pryse Pryse, from several Places in Wales, and by other hon. Members, from a Number of Places, for referring International Disputes to Arbitration.

MILITARY OPERATIONS IN THE PUNJAB —VOTE OF THANKS.

Sir JOHN HOBHOUSE: Mr. Speaker, in pursuance of the notice which the courtesy of this House, founded on established usage, enabled me to place first on the list, I rise to propose a vote of thanks, such as is detailed in the paper which I hold in my hand. I was in hopes when I was permitted to have the honour of seconding the Motion for the vote of thanks passed in May, 1846, proposed by the right hon. Baronet the Member for Tamworth, that the occasion would be the last on which I should be called upon to take a part in recording the gratitude of Parliament for Indian victories. I was in hopes that, after the great battles which had then been fought, the time was come when the inhabitants of our Indian empire would be permitted to pursue their occupations in tranquillity, and the Government be enabled to promote the interest of the country by fostering the arts of peace. But, if those hopes have been frustrated, and those expectations baulked, I think I may fairly say that on no former occasion had the House more reason to congratulate itself on the result of our arms than on the present. For I have now to call your attention to a series of gallant exploits, and to one of the most memorable conflicts that ever was recorded in the military annals of our glorious Eastern empire. It will not be necessary for me to preface this Motion with the ample and interesting details with which the right hon. Member for Tamworth introduced his vote of thanks for the victories on the Sutlej. He was then compelled to say much of the nation which had taken up arms against us, and were but little known to us except through the fame of their great chieftain, Runjeet Singh. Since that period we have become too familiar with that warlike people—a people with whom, however, it has long been foreseen that we should have to contend for empire on the western frontier of our dominions. I find that the historian Robertson, writing more than half a century ago, foretold in singularly apposite words the struggle that has now taken place:—

> "If on the one hand (says Dr. Robertson), that firm foundation on which the British empire in India seems to be established by the successful termination of the late war, remains unshaken—if, on the one hand, the Sikhs, a confederacy of several independent States, shall continue to extend their dominions with the same rapidity that they have advanced since the beginning of the current century—it is highly probable that the enterprising commercial spirit of the one people, and the martial ardour of the other—who still retain the activity and ardour natural to men in the earliest ages of social union—may give rise to events of the greatest moment. The frontiers of the two States are approaching gradually nearer and nearer to each other, the territories of the Sikhs having reached to the western bank of the river Jumna, while those of the Nabob of Oude stretch along its eastern bank. This Nabob, the ally or tributary of the East India Company, is supported by a brigade of the Bengal army, constantly stationed on his western frontier."

And he concludes—

> "In a position so contiguous, rivalry for power, interference of interest, and innumerable other causes of jealousy and discord, can hardly fail of terminating, sooner or later, in open hostility."

These passages will be found in one of the notes to the *Dissertation on India.* This prophecy has been literally fulfilled; and if our rivals have been subdued by that power which crumbled into dust the Viziers of Bengal, the Peishwahs of the Deccan, and the Sultans of Mysore, it is but due to the Sikhs to say that they contended with an energy and courage worthy of a more fortunate issue and of a better cause. The last papers which were presented to Parliament on this subject in March, 1847, informed the House of the treaty by means of which the late Governor General of India, Lord Hardinge, had undertaken that the Punjab should be managed during the minority of Maharajah Duleep Singh. It was at the special request of the Sikhs' Sirdars that we undertook to control the civil internal administration of the country, and to preserve tranquillity within, as well as to provide for its external security. The consequence of this arrangement was, that a peace ensued in the Punjab, which had long been a stranger to that country. The House will find on perusing the papers which will shortly be presented to Parliament, that at no period of late was the peace of the country so well preserved, or the lives and properties of the natives so well secured and so safe, or the prosperity of the Punjab so perfectly maintained, as during the interval between the close of the last war and the spring of the year 1848. But in the month of April last year there happened that unhappy circumstance to which must be traced all those occurrences that we now so much deplore—I mean the treacherous murder at Mooltan of Mr. Vans Agnew and Lieutenant Anderson, both of whom were young men of the highest promise, and who had already greatly distinguished themselves. This occurrence gave rise to commotions in Mooltan, which speedily spread into other provinces, and ended in the general insurrection of the Punjab.

When the Governor General of India, the Earl of Dalhousie, saw that all his hopes that this commotion at Mooltan might be extinguished or die away, either by the submission of the Dewan Moolraj, the chieftain commanding at Mooltan, or by the force applied to put down the rebellion, he made every preparation for entering into a vigorous war. The late Governor General—I mean Lord Hardinge—had not left the frontier Punjab in a defenceless state. So far from that, the late Governor General left, between Meerut and Lahore, a force of 54,000 men of all arms, having 120 field guns and 100 siege guns of a large calibre; and, in the reductions which he was called upon to make, Lord Hardinge did not diminish one man or reduce one single gun of that most essential arm, the artillery, nor did he reduce any of the cavalry regiments. The Earl of Dalhousie gave orders that additional regiments should move up from Bengal, and at the same time directed that a large force should be despatched from Bombay, and march through Scinde, to take part in the siege of Mooltan. The Governor General repaired to the frontier, and the Commander-in-Chief made preparations for the coming campaign. It is fitting that I should call the attention of the House to the events which took place previous to Lord Gough taking the field. The House is too well acquainted with the achievements of Lieutenant Edwardes to render it necessary for me to detail them now. It is sufficient for me to say that so great were those services that it was thought due to that gallant officer, that the Government should advise Her Majesty to depart from the common form, and to confer upon Lieutenant Edwardes, before the end of the campaign, those rewards which are usually reserved until the termination of the war. That officer was not only promoted to the local rank of major, but Her Majesty was graciously pleased to send him out the Companionship of the Bath. Being only on detached service in one of the western provinces of the Punjab, and not being assisted at the time by a single European, having by his own personal influence raised some Mahomedan regiments, and disciplined these raw levies, he went down upon the Indus, and soon found himself in conflict with a large force sent against him by the rebel Moolraj. It was on the 18th of June of last year that he gained his first victory; and on the 2nd of July, having been joined by the troops of the Newaub of Bahawalpore under Lieut. Lake, he fought a second battle, and again completely routed the army of Moolraj. Although, in the first instance, the Governor General of India and the Commander-in-Chief considered that the season would not admit of the march of European troops, yet, in consequence of the great efforts made by these two young officers, it was thought advisable by Sir F. Currie, the Resident at Lahore, to despatch a force amounting to about 7,000 men of all arms, under Major General Whish, from Lahore to Mooltan. That army was accompanied by a body of Sikhs under Rajah Shere Singh amounting to above 5,000 men. The House is acquainted with the occurrences that took place when General Whish made his first attack upon Mooltan. The troops then in the field were not found sufficient for the capture of that city and of the citadel, and it was thought necessary to wait for the arrival of the reinforcements from Bombay before making any serious renewal of the attack. That force marched through Scinde, went partly up the rivers, and appeared before Mooltan on the 26th of December; and, to show its complete equipment, and the way in which this large force of between 9,000 and 10,000 men had been moved up, I might read a communication from the Commander-in-Chief at Mooltan, General Whish, expressing his admiration of the condition of the newly-arrived columns from Bombay. He says that when he first saw the troops appear before him after a long march of a month, they seemed as fresh as if they had only come out of cantonments the day before. On the 27th of December they made their first attack, and on the 2nd of January they carried the fortified city of Mooltan by storm, after a most vigorous and gallant defence. When the city was taken, it was supposed by competent judges that the citadel would fall almost immediately. I shall take the liberty of reading two letters I have in my possession, one written to me by Major Edwardes, and the other by Sir H. Lawrence, announcing the fall of the city. Major Edwardes, in a letter dated, General Whish's tent, Mooltan, 5 P.M., 2nd of January, 1849, said—

> "The post for England leaves Mooltan to-day, and it is doubtful whether the news of our victory will be in time from any other place; so I take the liberty of informing you that the city of Mooltan, after a week's battering, was stormed this day at two breaches; one of which was found impracticable, but the other carried at once. The assault commenced at half-past 3, P.M., and the whole city was in our possession from end to end by half-past 4. Loss believed to be trifling. The citadel has been already well battered; the enemy are now driven into it; it will be untenable from shelling in forty-eight hours; and I hope to God we shall hoist Old England's flag over its walls before three days are over."

On the same day, the 2nd of January, 1849, Sir H. Lawrence wrote—

> "As I don't see how the fort can hold out forty-eight hours, I am just starting for the Governor General's camp."

But, so far was this prediction from proving true, that the citadel held out for three weeks; and I find that during the bombardment no less than 36,000 shot and shells were thrown into it, and such was its state that there was no place of safety within the walls, except under the gateway, where Moolraj took shelter; and when the gates were forced, there still remained within the fort 3,000 men, who were able and well-disposed, had circumstances allowed, to have fought their way out. I mention these circumstances to show to the House that this was no trifling enterprise, and the result proves how perfectly just was the observation of the Duke of Wellington at the farewell dinner to Sir C. Napier, when he said that he considered when Mooltan was taken the great object of the war was accomplished. On this account I am justified in proposing a separate vote for this exploit, and in directing the especial attention and thanks of the House to those officers and troops who achieved this chief object of the campaign. The siege of Mooltan being in progress, Lord Gough took the field, and nothing was omitted which could give effect to his movement. Additional resources were called up from the lower provinces; forts were occupied, garrisons strengthened, and every precaution that skill or sagacity could suggest was adopted. I find that Lord Gough's army consisted of 26,580 men of all arms, of whom there were 505 European officers, and 7,328 European soldiers. This was a noble and well-appointed army; and I especially draw the attention of the House to the ready and efficient manner in which it was called into the field, in order that it may be seen how perfectly justified is that vote of thanks which it is my intention to move should be agreed to in honour of the Earl of Dalhousie. But although it is true that Lord Gough was at the head of a powerful army, yet it must be recollected that the Sikhs presented a most formidable aspect. Shere Singh, with his 5,000 men, had treacherously deserted from his post at Mooltan, revolted from the British Government, and had joined the main force of the Sikhs. His father, Chuttur Singh, had before broken into open rebellion; as did, ultimately, the Sikh regiments at Peshawur, which had been kept in obedience for many months by the marvellous exertions and influence of Major Lawrence. The Sikh troops in the western province of Bunnoo also revolted and murdered their officers; and, at last, after a gallant defence, Attock fell into the hands of the rebels. Whilst the provinces were thus in rebellion, the main body of the Sikhs under Shere Singh amounted, at least, to 35,000 men. Lord Gough marched towards them. He passed by Lahore, and advanced to the banks of one of those rivers of old fame, so well known to us under their classical names, now lost in their barbarous Indian designations. He found Shere Singh strongly encamped on the banks of the Chenah with 18,000 regular troops and 18,000 irregulars, but who were most of them old soldiers. Shere Singh had then seventy-five pieces of cannon, besides a large number of swivel guns mounted on camels. Lord Gough had about 18,000 men of all arms. Two partial affairs took place—one at Ramnugger, and another at Saadalopore. Then came the bloody battle of Chillianwallah. We have all heard the result of that battle. I hold in my hand a letter written by an artillery officer in command at Chillianwallah, who thus describes it:—

> "How I escaped I know not; round shot and musketry streaming close to my head and body. Five men were knocked over with musketry close to me in the battery; but besides these and a few horses and other casualties from round shot, no officer was hit. If I had halted to fire at 600 or 800 yards instead of where I did, close up, all their shot which flew over us, would have pitched into and knocked us all to shivers. The horrible carnage and sights that met one's eye over the blood-stained field, I will not attempt to describe; all battle-fields are the same, but there was something in the prolonged and thundering shouts our fellows gave after the enemy had fled, and left us standing victors on that field, heaped with slain, that was a new and thrilling sensation which I shall never forget."

It is such a letter as this that conveys the real impressions of an engagement, and tells the story of it better than the columns of the *Gazette*. After the battle of Chillianwallah, Shere Singh removed to a short distance from the scene of action, so short a distance that he could hardly be said to have retreated, and he entrenched himself strongly in the vicinity at Russool, on the banks of the Jhelum. He was there joined by the troops under the command of Chuttur Singh. Whilst the army was in that position, new dangers arose, for the Affghans were again in the field, and Dost Mahomed had again unfurled the green banner on the banks of the Indus. He was accompanied by two of his sons. One of his sons seized upon Attock, whilst another son, with 1,500 horse, joined Shere Singh; so that this chief had under his command at Russool a force of not less than 60,000 men. The Sikh chieftain was not, however, able to hold his position there so long as he had intended to do, He decamped, but in a direction which rendered it necessary for Lord Gough to intercept him, in order to prevent his going to Lahore. Shere Singh was preparing to cross the Chenab, in order to march on Lahore, when he found in his front the advanced pickets of General Whish's division, who had marched from Mooltan to join Lord Gough. The time in which the distance is traversed by troops is generally twenty-two days; these performed it in seventeen days, and were on the banks of the river Chenab just in time to stop Shere Singh's advance on Lahore. This was one of the important consequences following upon the fall of Mooltan. I find from a despatch of Brigadier General Dundas's, who commanded the Bombay column, that—

> "On the 18th inst. the division made a forced march of thirty-two miles into Ramnuggur, which town it reached late in the evening. Marching the next morning at eleven o'clock, it reached Lord Gough's camp at night, after a harassing march of nineteen miles, and marched in order of battle the net morning, the 20th. A company of the 19th Regiment had to escort the prisoner of war, Moolraj, to a village six miles on the Lahore road, and return, but it joined head-quarters by four o'clock in the afternoon, after a march of about thirty-two miles, with only one absentee. This was the light company under Captain Barrow. Marching thus for days in succession, nearly throughout the day, the men have had little time for meals, and the scarcity of wood in this part of the country had prevented all from having had a regular meal for four days. No complaint has, however, been made."

Writing, after the victory, on the 1st of March, on the bank of the Jhelum, Brigadier General Dundas also says—

> "Having marched a distance of 238 miles without a day's halt, over a country where there are no roads, and over routes chiefly lying through corn fields, our men and followers suffered severely from the continual march and want of firewood, so that lately they were unable for about five days to cook their food."

Sir, it is due to those gallant men that not only their exploits in the field should be known, but also what they endured before they came upon the field, for I cannot help thinking that the mere fighting business is to the British soldier that which causes him, perhaps, the least of suffering. By this junction of the Bombay column with the main army, the whole force under the Commander-in-Chief on the 20th of February consisted of 25,000 men, with 100 pieces of cannon, of which about twenty were 18-pounders. The army of Shere Singh was said to consist of 60,000 men, but it contained most certainly 50,000 effective troops; and then occurred that great and decisive battle, in consequence of which principally I venture to propose this vote of thanks to Lord Gough and the Indian army. Sir, the battle of Goojerat has been truly described by the Governor General as one which will be ever recollected as the most memorable of all that have been fought by the English army in India. In referring to it, I will not make use of the published despatches, which must be in the hands of every man; but I will pursue the same course which I took the liberty of adoping with reference to the battle of Chillianwallah—I will read extracts from one or two private letters. The first was handed to me this morning, and is from one of Lord Gough's aide-de-camps. He says—

> "Aurungabad, opposite to Jhelum,
> Feb. 27, 1849.
>
> "Our fire completely overpowered that of the enemy, but they behaved most gallantly. The artillerymen and gun-cattle were shot down time after time, and as often did they bring up fresh men and cattle to replace them. Three several times did I see them attempt to take three of their guns away, and at last they carried off two. On our reaching the village of Habrat, in front of Goojerat, some guns opened grape on our 70th Native Infantry and 2nd Europeans; and on sending in a company to feel the village, it was found to be strongly held by several corps of regular troops: they had made it the Hougoumont of their position. It was, therefore, immediately stormed, and carried by the 2nd Europeans after upwards of half an hour's hard fighting, our men having to take house after house filled with armed men. The effect of it was most tremendous. I was standing near the troop (Horse Artillery), and saw whole bodies of Sikhs all falling at the same time. A splendid regiment of regular horse, headed by an Affghan chief, one of Dost Mahomed's nephews, came down to the attack, and were charged by a wing of the Scinde Horse and a squadron of the 9th Lancers in the most gallant style. They met us, and were cut down and driven back like sheep—their chief and a host of others killed. Those who witnessed it say, it was the most dashing thing ever seen. Our cavalry and horse artillery pursued the enemy for some fifteen miles, cutting up immense numbers: they did not stop till it was dark. I followed with Lord Gough for five miles, and never beheld such a scene. The whole country was strewed for three miles in breadth with property thrown away to hasten their retreat—such a medley you can scarcely fancy—tents, clothes, ammunition, carts, camels, tobacco, opium, trunks and boxes, silver-mounted riding whips, palanquins, champagne, women and children, guns and timber, camels and mules, swords, pistols, and a host of other things too numerous to mention. The Sikhs can never stand again; they are utterly routed and dispersed. Nearly half have gone to their homes, the greater portion of whom are regular troops."

In describing this battle, Sir, I must refer to the great value of that art, and to the perfection to which it has been brought, for which the Indian service has for a long time, and now will for ever, be celebrated. Addiscombe had reason to be proud of her scholars upon that day. I find, according to a return from General Whish, that the hundred guns, which were every one of them manned by Addiscombe scholars, kept up for three hours a continuous fire from their field batteries, and that not from one position, for they continued to advance as the Sikhs retired, and took up fresh positions in that advance, which, of course, very much impeded the celerity of their fire; yet, notwithstanding, they fired on the average no less than forty rounds an hour; and I find that that was the average of firing at Waterloo. I say, then, that the Indian army has reason to be proud of its advance in the art of gunnery—an art, let me take the opportunity of saying, which adds to the science and diminishes the horros of war. In another private letter I find a circumstance that has reference to Lord Gough himself:—

> "Thirty Affghan horsemen, armed in mail, were appointed with orders to capture Lord Gough. Watching their opportunity, they made a dash, and were met by the body guard, commanded by Lieutenant Stannus. Our men finding their swords made no impression, sheathed them, and took to their fire-arms, and a hand-to-hand conflict ensued, which ended in the destruction of the Affghans, one man excepted."

To show, Sir, that these opponents of ours were in no way despicable foes, I have to mention that Major General Gilbert, one of the most distinguished of our officers, states, in his report of the battle, that the fire of the Sikhs was terrific and well directed. But the victory was complete. The Affghans and the Sikhs, after they quitted the field, did not draw bridle until they reached the banks of the Jhelum. Our troops followed for fifteen hours on horseback, and destroyed vast numbers of the enemy. And now, having mentioned the general result, I cannot help recording that in this great conflict every arm did its duty. Not only was the greatest courage called into play, but every quality which the British officer should possess was fully displayed—qualities so well employed as to make even men of the same religion as our opponents behave as well as British soldiers. Among the force which was ordered up from Bombay was a corps of Mahomedans raised by a most distinguished officer, Major Jacob; and that corps of 400 or 500 Scinde horse was sent under the command of Lieutenant Malcolm. There was not a white man amongst them; and Lieutenant Malcolm led them from the banks of the Indus, and came into line upon the 21st February. And this is the manner in which I find the exploit of those Mahomedans fighting against Mahomedans, led by a British officer, described by Brigadier General Dundas:—

> "About the same time an opportunity was given for Lieutenant Malcolm to charge with the Scinde horse. I am sorry I did not witness that charge, which was made home upon a body of Affghan cavalry, and in which a chief of rank, said to be a son of Dost Mahomed, was killed, with many of his followers. This excellent regiment has again equally distinguished itself, and Lord Gough expressed to me on the field that their conduct was magnificent. Major General Sir Joseph Thackwell, who saw this feat, calls it a glorious charge."

Not only, then, did the cavalry and artillery—I need say nothing of the infantry; their merit is too well known — perform their duty; but even the very fleet of boats, which was engaged to take them across the Chenab to join Lord Gough, performed most essential service. I find the following in a despatch from Lord Gough:—

> "I have also the satisfaction to report to his Excellency the zealous and able manner in which Captain Cunningham and Lieutenant Paton performed the duty assigned to them, by bringing up the fleet of boats ordered by his Excellency from Ramnuggur, and placing them so as to enable the portion of the army on the other side of the Chenab to co operate and come up."

And, now, having described the general action itself, and having mentioned some of the principal persons whose names will be found in the vote of thanks, I think it my duty to call the attention of the House to some of those officers who were on detached service, besides Major Edwardes and Lieut. Lake. When the issue of the war was doubtful, before even the army could be said to be in the field, they performed services which entitle them to the gratitude of their country; and this they did alone, unassisted, by their own individual energy, and by that moral influence with which their courage and character have invested them. I will first mention the name of Captain James Abbott, who was detached to the provinces in which Sirdar Chuttur Singh was in command. There, by his own individual efforts, he raised the Mahomedan population, and kept Chuttur Singh for more than two months from joining the rebel army. I find in an extract from a letter of the Governor General to the Secret Committee the following expressions:—

> "Captain Abbott has been heard of up to the

25th of February, at which time he was quite safe, and confident in his resources, although at that time he had not heard of the decisive victory at Goojerat. It is a gratifying spectacle to witness the intrepid bearing of this officer in the midst of difficulties of no ordinary kind—not only maintaining his position, but offering a bold front, at one time to the Sikhs, at another to the Affghans—notwithstanding that religious fanaticism must have been at work to seduce the Mahometan levies to desert his cause. He must have secured the attachment of the wild people amongst whom he has been thrown, by his mild and conciliatory demeanour in times of peace, as well as by his gallantry as their leader in action; thus enhancing the credit of our national character, and preparing the way for the easy occupation of an almost impregnable country."

And, the Hazareh country is now in our hands entirely in consequence of the admirable conduct of Captain Abbott. I next come to the exploits of another officer—exploits, if possible, almost as extraordinary as those of Captain James Abbott—I mean Lieutenant Herbert. That officer was detached on the 1st September from Peshawur for Attock. There he found a force of 800 Mahomedans, of whom he took the command. But at the fall of Peshawur, his troops became mutinous; and the Governor General, writing of Lieutenant Herbert on the 22nd November says—

> "It cannot be expected that the garrison will continue loyal after the open revolt of their brethren at Peshawur."

On the 6th of December, Lieutenant Herbert himself writes thus—

> "The tenure of the fort of Attock is becoming extremely precarious. Serious symptoms of insubordination have exhibited themselves among the men. No effort is spared to excite treachery within. Though anxious to make a sally upon the enemy's guns, I am prevented by being unable to place any longer confidence in my men. Scarcely a night passes without desertions. We have now been blockaded for twenty-seven days."

December 19, Lieutenant Herbert says—

> "It is not so much physical force that I fear, as the effect of the constant efforts of the enemy to spread treachery. The Almighty has, in his great mercy, permitted of my holding the fort for forty days, and on him I hope that I may be able to do so longer; but, humanly speaking, it would appear almost impossible.'"

That gallant officer did, with all those disadvantages—with a very small force, on whom he could not rely—surrounded by 8,000 or 10,000 of the enemy with heavy batteries—hold it until the 2nd of January, when, having assembled the leaders of that small force, they informed him that they could not defend their position any longer, and he and one other man let themselves down from the fort into a boat on the Indus, and escaped—though, unfortunately, but for a short time, for that gallant officer is now in confinement. Lieutenant Taylor, also another gallant officer, performed achievements as brilliant on the Bunnoo frontier, aided only by one English officer; and if time would permit I would gladly detail his exploits. Having mentioned the names of those young officers, I think that we may fairly associate them, if not in our vote, in our grateful recollection of the exploits of this campaign; and it is one of the peculiar advantages and distinctions of the Indian service, that men, at a comparatively early period of life, being placed in situations of isolated responsibility, show themselves equal to that responsibility, and perform their arduous duties with all the judgment and foresight that can be expected from matured and long experience.

And, whilst mentioning those who have been fortunately spared, I must not forget those who in that campaign have fought on their last battle-field. We must not forget Cureton, nor Havelock, nor Fitzgerald, nor Pennycuick, nor others whose names I might mention, whose memory will be long dear to us, and who, though they have not survived to share in these thanks, have still left behind them an example which will prove a benefit to their country, and a glory to their families. And here I may perhaps be excused for mentioning an anecdote of melancholy interest. But a few weeks before this great battle, the son of Brigadier General Pennycuick went to a young relation of my own at Sandhurst, and, showing him a letter, said, "There now, I know you will envy me." It was the order to join his father in India. He went; he saw his father fall, rushed to cover his body, and in five minutes after was himself a corse.

It is not for me to presume to say anything of the Commander-in-Chief, whose good fortune it has been to close a long and honourable career with this great and decisive victory. He, Sir, has received from a gracious Sovereign and from a grateful Parliament rewards which will hold him up, and deservedly, to his country, as one of its bravest soldiers. And I am sure, Sir, that amongst all those honours and all those distinctions, there is none which he will more prize than the thanks of the representatives of that people to whose military glory he has added so much, and to whose dominions he has contributed additional security.

Sir, I beg pardon of the House for having detained it so long. I have only further to mention that the East India Company have this day given their vote of thanks to these, their meritorious servants; and I feel no doubt but the House of Commons also will readily perform the same grateful office.

The MARQUESS of GRANBY: I rise, Sir, to second the proposal of the right hon. Baronet the President of the Board of Control. I am sure the House must have heard with feelings of gratification and pride this detail of the glorious achievements and undaunted valour of our gallant army in India; and if anything could add to that gratification, it would be the thought that the victory is so complete that we may hope there will be no further occasion for warlike operations in India. But after the very able narrative which the right hon. Baronet has submitted to the House, I will only say, on my own behalf, and for those with whom I have the honour to act, that I most cordially concur in the vote of thanks which the right hon. Baronet has proposed.

SIR R. PEEL: Sir, I trust the House will permit me to express the cordial satisfaction with which I shall give my vote for the proposal of the right hon. Baronet the President of the Board of Control. I should not have presumed to add my voice to that of the right hon. Gentleman on this occasion, if it were not that on four previous occasions I have been a party to proceedings by which the merits of Lord Gough have been brought under the consideration of the Commons' House of Parliament for his services in the Chinese war, for the battle of Ferozeshah, afterwards for the battle of Sobraon, and, lastly, upon the occasion when I had the satisfaction of announcing to the House the distinctions conferred by Her Majesty upon Lord Gough for his glorious achievements, and of asking the House to perform that duty, which they so readily and cordially discharged, of marking their sense of his services by a pecuniary provision. It was with the utmost satisfaction that I heard that that noble soldier had closed a long career of victory and of glory by an achievement worthy of his former exploits. He has now, I believe, for fifty-four years served the Crown as a soldier. If at the earlier period of the recent campaign in the Punjab, doubts were entertained by some as to the ultimate result of that campaign, in those doubts I never shared. I felt the utmost confidence that the final issue of it would redound to the honour of Lord Gough, and would give new security to the British dominion in India. I do rejoice at the glorious termination of this campaign; I rejoice especially at the numerous proofs given by the right hon. Gentleman that great exploits have been performed, not only by veterans inured to the service, but by men young in years, assuming great responsibilities, and discharging the highest functions in a manner worthy of the name of Englishmen. When such things are done by the aged, and such examples are set by the young, I never will despair of the security of our Indian empire. I trust the House will excuse me for bearing this superfluous testimony to the services of Lord Gough; but I could not permit his military career in India to close, without taking advantage of a fifth occasion to take a part in proceedings which do honour to his name.

SIR J. W. HOGG begged to add his testimony to the importance of the services which had been rendered to the country by the noble Earl at the head of the Government of India, by Lord Gough, and by the gallant army under his command. He knew that when the Earl of Dalhousie proceeded to India, he did so in the confident hope and expectation that his would be the pleasing duty of developing and disclosing the resources of that country. At that time there was peace, and every prospect of the continuance of peace; but, unfortunately, that prospect was soon blighted by the outbreak at Mooltan. When the accounts reached Calcutta of the treacherous murder of two British officers, in the discharge of a public duty, the Earl of Dalhousie hesitated not a moment as to the course to be taken. He at once determined, at all cost, to avenge that atrocious act, and to vindicate the honour of the British Government. He therefore adopted, with vigour and energy, means to bring about that end in a manner that entitled him to the thanks of the House and of the country. He applied the vast resources of India in such a manner as to enable him to place at the disposal of Lord Gough the army which had achieved the victory for which the House was about to express its thanks. The last battle was doubly gratifying. It was gratifying, as giving a death-blow to the rebellion in the Punjab; and it was gratifying as gloriously maintaining to the last the character of the veteran chief as a gallant and successful general. It was now thirteen years since Lord Gough proceeded to India. For two or three years he commanded the army of Madras. For nearly three years he commanded the expedition to China. For nearly six years he held the chief command of the army in India. During that period Lord Gough had fought fifteen pitched battles, and triumphed in all. If the House would permit him, he would read Lord Gough's own account of his last battle, written in confidence to a private friend. The letter was dated, "Camp Goojerat, March 4, 1849," and it said—

> "I send you a rough sketch (but a very true one) of my last and best action—I say my last, as I have this day applied to his Grace to recommend a successor to Her Majesty for the proud position I have so long occupied. I say best, because both for the action itself, and its annihilating effects, I feel it well and justly merits that observation. The Sikhs have successively evacuated all the strong passes in the hilly country towards Rawull Pindee. The few guns they have are scattered in twos and threes. Several Sirdars have surrendered, or are about to surrender, themselves. How far the Dost will attempt to defend his ill-gotten territory it is difficult to conjecture; but I have pushed forward my very best and most energetic officer, Sir Walter Gilbert, with a force capable and willing to carry out the views of the Government."

A more complete victory, he believed, had never been won. It was not only complete as a victory, but final and complete in its results. The retreat, it appeared, was almost immediately converted into a flight; the Sikh soldiers first flung away their arms, and then the fugitives threw away their uniforms and clothes, that they might escape detection. The House could not have any better proof of the impossibility of the Sikhs reassembling in force so as to compete with the British army, than in the letter just read. Would Lord Gough have asked the Duke of Wellington to relieve him from the command, if he had not been confident there would be no further requisition for his services? Lord Gough would soon return home; and he (Sir J. W. Hogg) trusted his life might long be spared to enjoy the honours awarded to him by a grateful Sovereign and country. His right hon. Friend the President of the Board of Control had dwelt upon the fall of Mooltan. He (Sir J. W. Hogg) thought they had been most fortunate in finding, in General Whish, an officer of experience in the nature of the operations he was called upon to perform. This was not the first time that General Whish had been present at a siege. On two former occasions he had taken an active part in sieges in India; and in the siege of Mooltan they could not too much admire the moderation and the prudent and cautious reserve which he had imposed upon himself when he found that by the treacherous desertion of Shere Singh he was no longer in a position to succeed in his operations without a waste of life which he believed would be unjustifiable. They could not too much admire the conduct of a victorious general, who paused in the course of victory to save the lives of his soldiers from unnecessary slaughter; but the very day after reinforcements had reached him, he reinvested the city, and prosecuted the siege to a successful result. Again, when immediately after the capture of Mooltan, he marched to join the army of Lord Gough, he displayed the most consummate skill when, on reaching Ramnuggur, he despatched a sufficient force of cavalry and artillery to Wuzeerabad, and by that manœuvre stopped Shere Singh's advance, and prevented him from crossing the Jhelum. Throughout this campaign all their troops, native as well as European, vied with each other in valour and discipline. It was enough for him to say that they had, throughout, maintained their previous high character. He used the expression "maintained" deliberately, because they could not increase it. But while they were shocked at the perfidy and ingratitude of these Sikh Sirdars, after the indulgence and favours that they had received from Lord Hardinge, it was surely gratifying to find that of the four regiments of Sikhs, officered by British officers, not one man had deserted or left his post. Two of these regiments had been actually engaged in putting down the rebellion, and the other two had volunteered their services. The circumstance was most gratifying, and strengthened him in his belief that the Sikhs, if well treated and well paid, and if they felt that, when disabled from wounds or long service, they would be pensioned and taken care of, would render as good service as any of their other native troops. They must all regret the recurrence of war under any circumstances; but, at the same time, it was a gratification to know that as it had taken place, the cause of it was righteous, and the result successful. Another point that had been reverted to by his right hon. Friend was also gratifying. It was, that if they had ever to take the field hereafter, they would find among the junior officers in the present army able generals to conduct any operations that might be considered necessary. He was glad, indeed, that his right hon. Friend had taken occasion to name so many distinguished young officers, in connexion with the recent actions. No man who had not been in India could tell how great was the responsibility that rested with officers serving in that country, or the number of difficulties that they had to encounter. They had not the public eye upon them. They were not cheered on by the public voice in their proceedings. They had nothing but a sense of duty alone to console them under their privations; but it would not be without its effect in future that they would know that, no matter in what station they might be placed, the eye of the country was upon them, and that they would not fail to receive the notice of a gracious Sovereign, and of a grateful country. He hoped and believed, now that peace was restored to India, that they might look forward to a long continuance of it, and that the distinguished nobleman who presided in that country (the Earl of Dalhousie), would be able, without having his attention diverted by the distractions of war, to devote his energies to the internal improvement of the country, and to the advancement of the condition of its countless inhabitants.

Sir R. H. INGLIS said, he did not rise to interfere with that course of eulogy in which Members on both sides indulged, in bestowing their praises on those who had deserved well of their country; but he was unwilling, whilst just and eloquent tributes were paid on every side to the skill and talent of those who had conducted the late military operations in the Punjab, to omit to give utterance to the expression how much they were indebted to a higher and stronger Power than any which had been directly and visibly exerted. He wished, in the words of Lord Gough himself at the commencement of one of his despatches in the early part of the year, and in the language of the distinguished young man whose letter was quoted by the right hon. the President of the Board of Control, that the House should recollect that it was the "God of armies" to whom they owed all this success, and not to the skill of the old or the valour of the young. He should have been conscious of a dereliction of his own duties, if he had not endeavoured for himself, and, he trusted, for every one who heard him, to give utterance to these feelings. He was one who never despaired of the success of Lord Gough; he never depreciated his talents; no man dared to depreciate his courage; and he trusted that although, by a coincidence which might be called happy, Lord Gough appeared to have solicited his recall at the very moment that a successor was named in this country, Her Majesty's Government would not fail to advise their Sovereign to confer some mark of Her gracious favour on that veteran and excellent officer. But he stood not alone. There were other men whose names ought to have been brought forward, and who would not have disgraced the eloquent speech of his right hon. Friend the President of the Board of Control. On a former occasion, without having the honour of knowing him, he took the liberty of referring to the splendid services of Sir Joseph Thackwell, upon whom the President of the Board of Control had not passed so full an encomium as, in his opinion, the circumstances of the case would justify. He trusted that in what he had said he had expressed the feelings of every one, and gave a cordial support to the Motion.

Mr. HUME said, that no man could rejoice more than he did to find that there were in the Company's service men of such high ability and talent, and he merely rose for the purpose of expressing his regret that by the present regulations they could not confer the honour of the Bath on any of the officers of the East India Company who had recently so signally distinguished themselves. Anything more disgraceful than such an arrangement he had never heard of. He wished to know if it was not a fact that Her Majesty had it not in her power, as the regulations now stood, to confer the honour of the Bath on any officer in the Company's service, no matter how meritorious his services might have been during the recent actions? Such were the rules and regulations made by Earl Grey; but he hoped that such ill-advised restrictions would be laid aside, and that Her Majesty would be left at liberty to confer the honour of the Bath on such officers as might be deemed most signally worthy of it. The right hon. Baronet the Member for Honiton had alluded to the gallant men who fell on the field of battle, and had stated that it must be a consolation to their relatives to know that these brave soldiers had helped to uphold the glory of their country. But he hoped that this was not to be the only consolation that would be offered to them, but that those who had the power would consider it a duty to make some provision for the families of some of them who most wanted it. He could more especially name one of those brave men, who, with his son, fell upon the field of battle, but whose sole property was vested in the commission which he bore. He would only say, in addition, that he looked to the resources of India being developed by peace alone, and that he believed the Earl of Dalhousie, who would now, he hoped, be able to devote his attention to such matters, was the individual best adapted for advancing the real improvement of that country.

MR. GLADSTONE said, that he did not rise for the purpose of taking any part in the debate, but simply to allude to a remark which had been made by the hon. Member for Montrose, and which he believed to be unfounded, or, at all events, which ought to be explained on authority. The hon. Gentleman had stated that the honour of the Bath could not be conferred on any officer of the East India Company's service; but he believed that the limitation which prevented the Order from being conferred on any officer below a certain rank, applied equally to officers in the Company's service and in Her Majesty's forces.

MR. HUME said, the last rules, as laid down by Earl Grey, provided that not more than 100 officers in the Company's service should receive the honour of the Bath. He believed that there were 140 officers in the Company's service having that honour, and it followed that no new creations could be made until the number was reduced to a hundred.

SIR J. C. HOBHOUSE said, it was true that the number was limited; but the limitation was not confined to the Company's service alone; and it should be recollected that there had been an extension of the Order in favour of the civil service of the Company.

MR. HUME: That is just it. There is no limitation in the civil service, but there is a limitation in the military service of the Company.

LORD J. RUSSELL: The hon. Gentleman is mistaken. The Order of the Bath was extended in 1815, but there was a limitation fixed at the same time in point of numbers; and, in fact, unless there were a limitation, it would hardly be a distinction at all. Earl Grey advised a new statute, which limited the numbers, both in the military and civil honours; but in any case calling for an extraordinary statute, the number may no doubt be extended.

MR. MANGLES said, that the soldiers in the East India Company's service were as much the soldiers of Her Majesty as those of the regular Army; and, therefore, there ought to be no distinction in the rewards offered to both services. He did not think that sufficient confidence had been placed by this country in the gallant men commanding the Indian army during the recent campaign. He remembered when the news of the battle of Chillianwallah arrived, that his hon. Friend the Member for Montrose came down to the House and asked what was to be done for the Indian army, and that the noble Lord the First Minister of the Crown, in afterwards alluding to the matter, had admitted that the Indian army was in imminent peril.

LORD J. RUSSELL: I did not say anything of the kind.

MR. MANGLES said, considering that they had such officers as had been so justly praised that evening, with the army, the general tone of despondency that had prevailed was surely not justified, as they had officers in the field who, it must be admitted, were fit to take the command of any army. When they had such officers in India as they had heard eulogised on that occasion, it must have been unnecessary to send over a general officer to take the command of the army there. Surely it could not be necessary to send a general from this country, a distance of 15,000 miles, to lead the army to victory.

VISCOUNT JOCELYN begged to remark, in reference to what had fallen from the hon. Member for Montrose, that the limitation in the honours of the Bath applied to the Queen's troops as well as to the Company's service, and that the latter were not in any worse position than the officers in Her Majesty's service.

LORD J. RUSSELL: I wish to say one word in reference to what has fallen from the hon. Gentleman the Member for Guildford behind me. When the hon. Member for Montrose alluded to the accounts that had been received from India, I certainly did say that the subject was under the consideration of the Government, but I expressed no despondency or anxiety with regard to the fate of the army. On the contrary, I stated that I felt entire confidence in the army, but I informed the House that I did think it was a proper step to take, to advise Her Majesty to appoint Sir Charles Napier to the chief command in India. But then Sir Charles Napier was no new officer, sent to India for the first time, and having no previous connexion with the Indian army. He had served in India before, when his services were of the most brilliant and distinguished kind. We are of opinion that sending Sir Charles Napier to India was a step calculated to maintain the credit of the British army. Everybody knows that Lord Gough's usual service had expired, and that we might at any moment expect to receive such an announcement from him, as we have in point of fact now received, begging that a successor might be appointed in his place. The hon. Gentleman having really attributed words to me that I never uttered, I thought it necessary to make this explanation. I beg in addition to say, that I rejoice most sincerely that Lord Gough has had an opportunity to meet the enemy in the field, and to give him that discomfiture which has contributed so much to the glory of his own military services.

Mr. MANGLES explained. He did not attribute despondency to the noble Lord, but what he had stated was, that despondency prevailed throughout the country.

Mr. GRATTAN said, that the laudations that had been poured out on the gallant Commander-in-Chief in India would be responded to not the least warmly by the country to which Lord Gough belonged. It was the misfortune of that part of the empire to which he had just alluded, to have incurred the indignation of the vehicles of public news, and, he would add, of private slander, in this country; and it happened that when the career of Lord Gough was a little obscured, they opened their batteries upon him, and not the least serious of the charges against him was, that he happened to belong to his (Mr. Grattan's) unfortunate country. It was said that he was an old man, that he had not head, and that he never would gain a victory, though he might suffer a defeat. A great deal was said about his Tipperary tactics; but, unfortunately for the *Times*, there was a letter extant, from the pen of Sir Charles Napier, his successor, praising these very Tipperary boys that were abused so much. He believed that Lord Gough happened to be a true Irishman, and he only hoped that the country would have many Lord Goughs, many Sir Charles Napiers, and many such bad Tipperary gentlemen.

Colonel DUNNE begged, before the Resolutions were put, to express his concurrence in all that had been said in praise of Lord Gough. He wished, at the same time, to call the attention of the House to the great services of Sir Joseph Thackwell, who, from the age of thirteen, when he first entered into the service of the British Crown, had, throughout a brilliant career, in connexion with the cavalry branch of the service, at all times conducted himself in a manner to deserve the gratitude of the country. He held in his hand a list of the actions in which Sir Joseph Thackwell had been engaged; but at that hour he would not trespass on the time of the House by reading them. He had served in most brilliant cavalry encounters, and lost an arm at Waterloo.

The first Resolution, of thanks to the Governor General of India, having been put,

Sir R. PEEL said: I have the impression, Sir, that this ought to be agreed to as a separate Resolution. I have very cordially to state to the House the satisfaction with which I join in this expression of its approbation of the character and conduct of the Earl of Dalhousie. That noble Lord has worked his way to public eminence and high station by the exhibition of those qualities that would have insured success, though he had not had the advantages of rank and title—by judgment, by temper, and by persevering industry, which conciliated confidence, and won the good opinion of all who came in contact with him. I think the noble Lord and Her Majesty's Government are entitled to great credit for acquiescing in the recommendation of the East India Company, and appointing to the high position of Governor General of India a man who stood in no immediate political connexion with them, and whose political independence they did not in any way seek to fetter. They are entitled to take credit for the way in which they looked alone to the interests of India, and appointed a man whom they conscientiously believed to be the best qualified to discharge the duties that must necessarily devolve upon one holding his high and important office.

The Resolution was then agreed to; and the remaining Resolutions, having been read by Mr. Speaker, were also agreed to.

"Resolved, *nemine contradicente*—That the Thanks of this House be given to the Right Hon. the Earl of Dalhousie, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of India, for the zeal and ability with which the resources of the British empire in the East Indies have been applied to the support of the Military Operations in the Punjab.

"Resolved, *nemine contradicente* — That the Thanks of this House be given to General the Right Hon. Lord Gough, Knight Grand Cross of the Most Honourable Order of the Bath, Commander-in-Chief of the Forces in India, for the conspicuous intrepidity displayed by him during the recent Operations in the Punjab, and, especially, for his conduct, on the 21st of February, 1849, in the Battle of Goojerat, when the British Army obtained a brilliant and decisive Victory.

"Resolved, *nemine contradicente* — That the Thanks of this House be given to Major General Sir Joseph Thackwell, Knight Commander of the Most Honourable Order of the Bath; to Major General Sir Walter Raleigh Gilbert, Knight Commander of the Most Honourable Order of the Bath; to Major General William Samson Whish, Companion of the Most Honourable Order of the Bath; and to Brigadier Generals the Hon. Henry Dundas, Companion of the Most Honourable Order of the Bath; Colin Campbell, Companion of the Most Honourable Order of the Bath; Hugh Massey Wheeler, Companion of the Most Honourable Order of the Bath; and James Tennant; and the several Officers, European and Native, under their Command, for the indefatigable zeal and exertions exhibited by them throughout the recent Campaign.

"Resolved, *nemine contradicente* — That the Thanks of this House be given to the Non-Commissioned Officers, and Private Soldiers, European and Native, for the service rendered to the British Empire, by the signal overthrow of the numerous enemies combined in arms against them; and that the same be signified to them by the Commanders of the several Corps.

"Resolved, *nemine contradicente* — That the Thanks of this House be given to Major General William Samson Whish, Companion of the Most Honourable Order of the Bath, for his eminent services in conducting to a successful issue the Siege of the Fort and City of Mooltan.

"Resolved, *nemine contradicente* — That the Thanks of this House be given to the several Officers, European and Native, under the command of Major General Whish, and to the Officers of the Indian Navy employed on that occasion, for their gallant Conduct during the Siege of Mooltan.

"Resolved, *nemine contradicente* — That the Thanks of this House be given to the Non-Commissioned Officers and Private Soldiers and Seamen, European and Native, for the bravery and fortitude manifested by them during the Siege of Mooltan; and that the same be signified to them by their several Commanders.

"Ordered—That these Resolutions be transmitted by Mr. Speaker to the Governor General of India, and that he be requested to communicate the same to the several Officers referred to therein."

BRAZILIAN TREATY.

Act [8 and 9 Vic. c. 122] read.

Mr. MILNER GIBSON: Sir, I have thought it right to bring under the attention of the House the present state of the relations existing between the united kingdom and the empire of Brazil; and to submit to the House some considerations in connexion with that subject which are, in my opinion, well deserving the notice of Parliament. It is my intention, also, to take the sense of the House on what I conceive to be the cause of the unsatisfactory state of relations as between the two countries, in which they now find themselves. When I say, to take the sense of the House, I mean to ask its opinion as to the cause of the present state of the relations—and whether the difficulties that incumber them should not at once be removed. I presented a petition a few days since from the Directors of the Chamber of Commerce of Manchester—signed by the President—which I will, as it is a short petition, read to the House, and which sets forth clearly the objects I have in view, and may indeed be said to be the foundation of the Motion I am about to make. The petition states—

> "That the commercial relations between Great Britain and Brazil have, for some years, been placed in a most unsatisfactory position by the sole intervention of the British Legislature. That during the long continuance of a fiscal policy which, though most injurious to ourselves, was in a still higher degree offensive to Brazil—amicable relations between the two Governments were not interrupted, and British residents were protected, in their persons and property, by the provisions of a treaty which secured all the advantages of the most favoured nations; but, on the eve of a change in our own policy which would have enlarged our intercourse with Brazil, the Act of our own Legislature, the 8th and 9th of Victoria, cap. 122, aroused the indignation of the Brazilian Government, and caused the termination of the treaty on which the privileges of British residents rested. That your petitioners consider the Act in question an aggression upon Brazil—unjust, impolitic, and destructive of the objects for which it was professedly framed; for although your petitioners yield to none in their detestation of slavery and the slave trade, yet they do not think that the destruction of that nefarious traffic will be hastened by forcibly offending national honour, or rendering impossible those results which friendly negotiation is more likely to accomplish. They therefore pray, on every ground, that the Act 8th and 9th Victoria, cap. 122, may be forthwith repealed."

I must state that, for some time past, repeated representations have been made to me by gentlemen acquainted with and interested in the trade of Manchester, Liverpool, and Glasgow, to the effect that considerable uneasiness has been felt as to the state of our relations with Brazil. We have heard questions repeatedly asked in this House, and we have heard of deputations repeatedly going to the Foreign Office to seek for good intelligence as to commercial treaties being effected with Brazil, or whether they might soon be expected. But time passes on, and we remain as we were. No progress seems to have been made, and the British subjects now resident in Brazil are actually in a worse position than the subjects of any other country, although the trading connexion between Brazil and the united kingdom is most extensive, and although there is every reason to suppose that, but for some special reason the connexion between the two countries would be of a most friendly and useful nature. We have had ambassadors sent over to Brazil who have returned after fruitless missions; we have had angry diplomatic correspondence which has been laid before this House—we are threatened with discriminating duties, and, therefore, I say that I am not taking a hasty or precipitate step when I say that the time has come for something like Parliamentary mediation, in order to enable the diplomatists to escape from their difficulties, and if possible to fix upon a mode for the amicable settlement of all differences. I can assure my noble Friend at the head of the Foreign Office, that I do not bring forward this Motion in any spirit of rancour or hostility. I bring it forward—although I know some Gentlemen will smile at the use of these words because they are often used in a different sense—I bring forward this Motion truly in a friendly spirit. For, inasmuch as it was Parliament itself which was mainly instrumental, by sanctioning an Act offensive to the Brazilians, in bringing about the present state of things, and as diplomatists seem to have arrived at their utmost point of success, the present seems to me a proper time for Parliament to reconsider the step taken in 1845—a step adopted for the purpose of rendering the subjects of an independent country liable to the criminal jurisdiction of this country, without having received any previous delegation of power from the foreign country, so as to render its subjects properly amenable, either in their persons or property, to our penal laws. Now, it may be said that the unpleasant feeling which exists in Brazil, arises from dislike to England, in consequence of the earnest endeavours she has been making during a series of years for the abolition of the slave trade. But we have incontestable evidence that this is not the case—that it is not because we are anxious for the suppression of the slave trade that this feeling exists, but because we are attempting to suppress the slave trade by means not sanctioned by the law of nations, or the provisions of any treaty. The Executive Government of Brazil has invariably, and up to the present date, declared its earnest desire to effect such arrangements as, in co-operation with this country, might bring about the abolition of the slave trade. They have denounced the trade in as strong terms as the Executive of this country; and we have it in the evidence given by the Foreign Office before a Committee of this House on the slave trade—on the evidence of Mr. Bandinell — that the Executive Government of Brazil has twice honestly attempted to carry out a law and policy in Brazil for the purpose of suppressing the slave trade. But they found that they were attempting a course for which public opinion was not ripe; and, consequently, they lost their own popularity, and were turned out of office. It was therefore because they were unable, and not because they were unwilling, that they failed to carry such laws through the Legislature of Brazil as were necessary for the suppression of the slave trade. I quote these facts then—facts not depending upon my mere assertion, but on the important evidence of Mr. Bandinell, to show that the Brazilian Government has shown an honest desire on several occasions to put down the slave trade. As I have alluded to a Committee sitting in this House, I wish to state, that I am unfortunately deprived, for the purposes of this Motion, of the assistance of my hon. Friend the Member for Gateshead, who is chairman of that Committee. It was his intention to be present; but he received a notice of the death of a relative, which rendered his presence here to-night impossible. I have, however, his authority for saying that he considers this Motion most appropriate, and that if he could have been present he would have supported me with all the aid he could give. I would remind the House, that in 1845 my hon. Friend took a very active part in opposing this very measure which I am now about to question. My hon. Friend is no doubt opposed to the anti-slave trade policy; but it may be quite consistent with that policy to support the repeal of the Brazilian Act. As I have said just now, it is not because we are anxious to suppress the slave trade that these unpleasant relations have grown up between England and Brazil, but because we suppress it by means not sanctioned by international law—because we do not keep within our treaty engagements with Brazil—and because we are, by the course we are taking, violating the rights of an independent country. These are the grounds upon which the Brazilians protest against the policy of this country. They have evinced a willingness to act in co-operation, founded on such a treaty as shall secure the interests of their lawful commerce, and the reasonable rights of their coasting trade and of their citizens. But they do protest altogether against this country assuming to itself a right to deal with either the persons or property of Brazilian subjects for carrying on the slave trade, except in strict accordance with international law, and according to the provisions of the treaties subsisting between us. Sir, I am as anxious as any man can be to put down the slave trade. I hate and detest that abominable traffic; but I say, that if these allegations on the part of the Brazilians be true—if it be true that we are acting against the spirit of our treaty, there is good ground for protest and complaint. And although I may be ever so desirous to put down the slave trade, I will never be a party to its suppression by unlawful means. I hold the opinion expressed by Lord Aberdeen, when compelled to write a letter of instructions to the Admiralty in 1842, and when he told that department to change the illegal orders they had issued to their cruisers. As I have the letter, I may as well read it to the House. Lord Aberdeen says—

> "The Queen's Advocate is of opinion that the blockading rivers, landing and destroying buildings, and carrying off persons held in slavery in countries with which Great Britain is not at war, cannot be considered as sanctioned by the law of nations, or by the provisions of any existing treaties; and that however desirable it may be to put an end to the slave trade, a good, however eminent, should not be obtained otherwise than by lawful means."

I, Sir, hold that opinion also; and I would, in fact, found my faith on the principle announced by the British and Foreign Anti-Slavery Society when they put at the head of all their publications these remarkable words:—

> "The extinction of slavery and the slave trade can be obtained most effectually by the employment of means of a moral, religious, and peaceful character; and no measures shall be adopted by this society in the prosecution of its objects except such as are in accordance with those principles."

These are also the principles to which I should wish to adhere. And I am in a condition to show that the course we are taking in reference to Brazil, is a direct violation of the principle laid down in the letter of Lord Aberdeen in 1842, and that also of the British and Foreign Anti-Slavery Society. It is necessary, before I proceed to demonstrate the illegality of our proceedings, shortly to recite what is the present position of the treaty engagements existing between this country and Brazil. In the year 1826, Brazil made a convention with the Government of the united kingdom containing several articles, the first article being permanent, and the others, two, three, and four, being of a temporary character. The first article was a general declaration, and certainly must be construed into a permanent engagement on the part of Brazil. It was to the effect that from and after a certain time—1830—it should be unlawful for the subjects of Brazil to carry on the slave trade, and that the carrying it on, under any pretext or form whatever, should be deemed and treated as piracy. That was the declaration of the Executive Government of Brazil. The second, third, and fourth, were to last for a period of fifteen years, if so terminated by notice, and they contained various stipulations as to giving mutual right of search, as to mixed commissions, courts of adjudication for ships captured in the slave trade, and various modes of procedure under which it was arranged that slavers might be captured. These articles constituted the code of regulations under which England might capture Brazilian slavers; and by the admission of Great Britain herself they have expired regularly, and by the right of the contracting parties. There remains, now, therefore, only one single article of the treaty of 1826, namely, the first, in which it is laid down that it shall not be lawful after a given time for Brazilians to carry on the slave trade, but that such trade shall be deemed piracy. Such is the whole of your treaty engagements with Brazil; and the question is what construction ought to be put on this article that now remains? The diplomatic construction that was put for a series of years by the English Government on the first article was this—that the Brazilian Government engaged to induce the Legislature of Brazil to pass a law which should punish

Brazilian subjects for carrying on the slave trade, and moreover punish them as pirates, the piracy being created by a municipal law, enacted for the suppression of the slave trade. That was the obvious and only construction which such a declaratory article could bear; but I will take the liberty of reading to the House one or two short paragraphs to show that this was the construction which was considered by diplomatists of both countries to be applicable to the first article of the treaty. So late even as the 12th November, 1843, the British Minister at Rio addressed the Foreign Minister of Brazil in these remarkable words:—

> "By the First Article of the Convention of 1826, the Brazilian Government pledged itself to the enactment of a law whereby the African slave trade should be declared illegal in Brazil, and any subject of the empire implicated in it be deemed to be and be treated as a pirate."

And before the Committee of which my hon. Friend the Member for Gateshead is Chairman, the noble Viscount the Secretary for Foreign Affairs said—

> "The treaty says that the being concerned in the slave trade by any Brazilian subjects shall be deemed and treated as piracy. By rights the Brazilian Government ought to have passed a law in accordance with that engagement."

His Lordship's meaning was clearly that such was the true effect of the engagement. But in the year 1845, finding that the Brazilians were unwilling to continue these mutual rights of search which they had previously granted, and the courts of mixed commission, the Earl of Aberdeen put a totally new construction on the first article of the treaty. He said that we did not want any of those stipulations about the right of search which for the previous fifteen years had been thought absolutely necessary.

> "We do not," said his Lordship, "want any mixed commission courts; we have got all the power we desire under the first article. You (the Brazilians) have agreed that your subjects are to be treated as pirates, and since you have agreed to that doctrine the Queen of England has derived a right to capture the subjects of Brazil on the high seas when engaged in the slave trade, to deal with them as pirates, to confiscate their ships and goods, in short to render them in any way subject to the criminal jurisdiction of this country."

That was the Earl of Aberdeen's construction, and an Act of Parliament was passed to carry it out. Piracy is a crime by the law of nations—a point which nobody questions; you have a right to punish the offenders—the existing law and the law of nations being amply sufficient for the purpose. The question is, did the declaration of the first article make the slave trade piracy? It is not sufficient to say that a man is a pirate to make him a pirate; and an offence is not piracy when merely so acknowledged by an Executive Government, but when it is made so by the universal consent of mankind. Robbery on the high seas is made piracy by a universal law, and the tribunals of every country may punish the pirate when they can find him. This is the law of nations; but the mere declaration of the Minister of Brazil, who lost his place because he could not carry a law to effect his object—a mere declaration does not make a man a pirate. It is only when he is a pirate by the *jus gentium* that you have a right to try him when you find him. Who ever heard that a declaration of this description could make criminal law, although, perhaps, I am presumptuous in saying so much in the presence of a learned Gentleman who was Attorney General when the Bill became law, and also in the presence of high legal authorities on this side of the House? I may be presumptuous in offering an opinion, and should not have done so if I were not fortified by the highest legal authorities in the united kingdom. Now, Sir, the Act that was passed was this. I must remind Gentlemen that its whole foundation was the Earl of Aberdeen's construction of the first article in the treaty. He says, "the first article makes them pirates, and you may deal with them as you like." Well, this is an Act which you passed to put the matter beyond all doubt. You passed an Act conferring jurisdiction on the courts of Admiralty, and entitling them to confiscate the ships of Brazilian subjects. You say that Brazilian ships are to be tried by all the rules and regulations contained in any Act of Parliament, now in force, for the suppression of the slave trade in British owned ships, and you recite several Acts, of which the Brazilians know nothing, but by which you say they are to be governed. These are the 5 Geo. IV., c. 114, 11 Will. IV., and 5 & 6 Vic., c. 122. These Acts you recite, and it is contended that they extend over the empire of Brazil, because—recollect that a Brazilian ship sailing under the Brazilian flag, with Brazilians on board, on the high sea is Brazilian dominion. I said that I had high legal authority for thinking that the Act which I propose to repeal, is founded on an entirely erroneous construction of the treaty. A case was drawn up, and a regular business opinion was obtained from Mr. M. D. Hill, in consultation with the hon. and learned Member for Youghal, which was as follows:—

"We are of opinion that the 1st article of the treaty of 1826 does not confer on the British sovereign any rights whatsoever over Brazilian vessels or subjects engaged in the slave trade, under the Brazilian flag; and that the right of search and mixed commission being now at an end, all the jurisdiction ever conferred on that sovereign by the remaining articles has ceased. We think that according to the true construction of the 1st article, the Brazilian Emperor did merely contract with the King of Great Britain that the Brazilian legislature should, within a certain period, enact a municipal law, making the slave trade illegal and punishable as piracy; and that the failure, whether from inability or unwillingness, to perform this stipulation, although it might possibly have been a good cause of war between the two countries, nevertheless could not justify Great Britain in assuming to herself legislative or judicial authority over an independent State. We are therefore of opinion that the Act 8 and 9 Vic. c. 122, being founded on an erroneous assumption, is inoperative and void as against the subjects of Brazil (and their ships) carrying on the slave trade under the Brazilian flag, and not being domiciled in this country, nor owing any allegiance to its sovereign. It follows, from what has been said, that the seizure and condemnation of the two Brazilian ships were, in our opinion, tortuous and unlawful. The condemnation having been effected in a Vice-Admiralty court, we think that the proper remedy is by appeal to the Queen in Council."

Now it will be in the recollection of the House that the Chief Justice of the Common Pleas, when the Act was under discussion, questioned its propriety, and doubted whether the convention justified such legislation. He expressed his doubts in this House, and gave public notice that he would take a further opportunity of calling the attention of the House to the subject; and he has authorised my hon. Friend the Member for Gateshead to say what he would have stated had he been here tonight, namely, that if he (the Chief Justice) had remained a Member of this House, he would have felt it incumbent upon him to bring the question under the consideration of Parliament, and to propose a repeal of this Act. His Lordship still retains the opinion he held in 1845, and has made a communication to my hon. Friend, an extract of which I shall read to the House. His Lordship says—

"Lincoln, March 12, 1849.—I have always deemed the Act you referred to a national disgrace, manifesting either great ignorance of the law of nations, or monstrous assumption, and calculated to lead to a war, or to our rendering ourselves contemptible. Should we ever presume to enforce such an Act against a strong nation, and redress be demanded and refused, our conduct would, I conceive, beyond all doubt, form a justifiable cause of war. If we rendered the redress required, we must appear either to act from fear, or to have assumed to legislate over the subjects of foreign nations to an extent which we were conscious that we could not justify. The question is, what is piracy? I understand it to be spoliation and violence committed on the high seas, not against any particular nation, but generally against all nations; and therefore it is that every nation may punish the aggressors, without regard to whether any speceific wrong may have been committed against the subjects of the prosecuting nation or of any other. Treaties among nations may bind the consenting governments in honour to each other to prohibit a particular course of conduct by their respective subjects by the legislative authority of each country; but such treaties would not authorise either of the contracting nations to punish as criminals the subjects of the other, although the omission of a contracting nation properly to enforce the agreed restrictions on its own subjects might constitute a grievance, and, like the breach of any other treaty engagements, form a ground for war against the offending nation. Such a treaty, I apprehend, can furnish no ground whatever, consistently with the law of nations, for either of the contracting nations to legislate against foreign subjects."

This is the opinion of high legal authority, perhaps the highest on such a subject; but really the notion of international law propounded in the Act of the Earl of Aberdeen appears to me to be contrary to the rules of common sense. My noble Friend at the head of the Foreign Office, although not responsible for that Act, will, no doubt, defend it. If he does, he must take the position that Brazil has delegated to us a criminal jurisdiction over her subjects, with right to punish them either in their persons or property. Whether the slave trade be lawful or unlawful by their own law, can the mere declaration of the Executive Government of Brazil have armed us with powers of penal jurisdiction over Brazilians? Let us put the converse of this proposition. Suppose the noble Lord had unfortunately made a declaration that a given act now lawful should be unlawful from a certain date. Does he mean to say that he would thus entitle a foreign nation to inflict penal punishments on the subjects of these realms? That is the converse of the case, and it is in precise accordance with the principle of international law which the noble Lord must lay down in defending the Brazilian Act. What a monstrous proposition would this be! Then, if my noble Friend could not induce Englishmen to submit to such foreign laws, why should we endeavour to force such a system down the throats of the Brazilians? Is it pretended that the Government of this country has greater power over the subjects of the Brazils than over the subjects of the Queen of England? Has the Queen of England greater power over the subjects of Brazil than is possessed by the Emperor of Brazil? Because these are the positions taken, and these are the principles involved, in the arguments of those who support the noble Lord's view. It is monstrous, in my mind, without any reference to the authorities on the subject—it is contrary to the principles of common sense—that, inasmuch as the noble Lord, without an Act of Parliament, would not be able to enforce the stipulations of such a treaty upon any Englishman, that he should be enabled to enforce it upon a Brazilian in the absence of any Brazilian law to that effect. I have quoted that high legal authority, in order to clear myself from the charge of presumption in undertaking, in the presence of so many able men in this House, to lay down the principles of international law. But I cannot help conditionally fortifying myself by a protest signed by his Grace the Duke of Wellington and by Lord Lyndhurst, in reference to the same principle which is involved in this question—in regard to another Act of Parliament, namely, the Partuguese Act. And the ground on which that noble Duke and the then Lord Chancellor protested against that law was precisely the same as that I am now taking against this Brazilian Act:—

> "Protest.—House of Lords, August, 1839.—12th clause in protest.—Because the Bill authorises the capture and detention of Portuguese vessels, and natives of Portugal subjects to the crown of Portugal, and their adjudication before a British tribunal for a breach of treaty with the Sovereign of Great Britain and Ireland, and a breach of the law of Portugal; thus assuming a right to exercise a jurisdiction at sea to punish a foreigner by the sentence of the courts of this country, for a breach of the municipal law of his own country.
>
> "13. Because such proceedings as are authorised by this Bill are inconsistent with the ancient and honourable policy of this country, to maintain for ourselves peace with all nations, by respecting the rights, institutions, and independence of all, and, cultivating their goodwill by friendly relations, to promote peace between the nations of the world in general, by our good offices and exertions, particularly in favour of the weak.—Signed by WELLINGTON, LYNDHURST, SHAFTESBURY, DEVON, &c."

It is precisely the principle laid down by the distinguished men who signed that protest which we now take. And when I bring before you the legal opinion of Mr. M. D. Hill, and of the hon. and learned Gentleman opposite the Member for Youghal, who were consulted upon this question as a matter of business, and of the Lord Chief Justice of the Common Pleas—than whom, I may safely say, there is no higher authority on international law in this country; and when I add to this this solemnly recorded protest of Lord Lyndhurst and the Duke of Wellington, I think I have freed myself from the imputation of having presumptuously or lightly questioned a policy founded on what I must call such erroneous notions of the law of nations. Now, Sir, let us consider what it is we are about. We are claiming the right to capture Brazilian vessels on the high seas engaged in a traffic which, execrable as it may be, and undoubtedly is, was carried on by Englishmen—which was once a legalised trade—and which not until after a struggle of some thirty years the British Parliament was induced to abolish. We are carrying Brazilian subjects before foreign tribunals—foreign to them—we are trying them in a language they are unacquainted with—we are subjecting them to rules of law and regulations of which they can have no knowledge—we are trying them before jurisdictions where a Brazilian counsel can have no *locus standi*, and cannot be heard. We are doing all these things to an independent nation, because the majority of the people have not yet arrived at an opinion of the slave trade such as we now hold, but which a few years ago was a matter of controversy and difference amongst ourselves. Is this, let me ask you, good policy? Is this the way to effect that object you profess to have in view—the abolition of the slave trade? Is it not rather the way to enlist on the side of the slave trade in Brazil feelings of national independence? Is it the way to secure that joint co-operation of the Brazilian people which we know to be absolutely necessary for the abolition of this trade, to take a course which is protested against by the Brazils as contrary to their rights as an independent nation, and which is denounced by your own high legal authorities as inconsistent with the principles of international law—is this a course, I say, likely to effect the object you have in view? Is it not more likely to produce irritation, ill-feeling, and lasting alienation on the part of the Brazils, and so to defeat, rather than accomplish, the purpose you seek? Now, what are the facts of the case? Since the Act came into operation—since you have been taking on yourselves to deal with Brazilian subjects out of your jurisdiction, according to your notions of right and wrong, and according to your ideas of criminal law—the slave trade between Africa and the Brazils has become greater than ever it was before. Why, 120,000 negroes were imported from the coast of Africa into the Brazils within the last two years, according to the statement in the last report of the British and Foreign Anti-Slavery Society; and according to the evidence of my noble Friend himself, before the Committee, no less than 60,000 negroes were imported into the Brazils during the last year alone. The effect, then, of the Act has not been to put down the slave trade. The price of a slave in the Brazils is now much lower than it was in 1845, when you commenced these unjustifiable proceedings. The price of slaves, as brought down by the large supply of negroes which have been introduced under your policy, is much lower than it was during that interval of time in 1845, between the expiration of that article of the treaty which gave the right of search, and ratified the appointment of the mixed commission courts, and the passing of this Act—an interval during which your interference was less than at any other time. Since then, although our power of suppressing the trade should have been more felt, the number of slaves imported has been increased since the adoption of this illegal and arbitrary course. Now, with regard to the engagements entered into by the Brazils, I conceive in this it may be a ground of dispute between this country and the Brazils; but, nevertheless, I think we are bound to take into consideration all the circumstances of the case, and the great difficulty which the Executive of the Brazils has to contend with in inducing the public to consent to such an enactment as would carry out the engagement into which they have entered. I do not deny that there does exist an engagement between the Brazils and the united kingdom—that engagement being the suppression of the slave trade by Brazilian law. But if you hear from the Brazils the reason why that engagement has not been fulfilled, it is for you to consider whether the excuse she offers is sufficiently ample, and whether you ought to be satisfied with it as a ground for the non-fulfilment, on her part, of the contract. In all these matters, as in all other disputes, you must hear both sides; and having considered the circumstances in which the contracting parties are placed, you must then come to the conclusion whether the ground assigned for the non-fulfilment of the engagement by the other party, is sufficient to satisfy you. Let us consider how long it was from the day when the first Motion was made in this House on the subject, until the final abolition of the slave trade with us. It was no less than thirty-one years. It took thirty-one years of successive Motions to induce the Legislature of England to agree to the abolition of the slave trade. How long since is it that the Brazilian Government undertook to pass a law to suppress that trade? It was only in 1826 that they entered into the engagement with you, and from that time to the present so long a period has not elapsed as it took you to pass a similar law yourselves. Why should you expect that public opinion should advance more rapidly in the Brazils than it did here? Why should you expect when you yourselves had such a long and arduous struggle to overcome the interests and strong opposition you had to encounter to the abolition of this abominable traffic, that the Brazilian Government should at once be able to succeed in passing this measure of abolition; or in at once forming public opinion to its own will and pleasure? I believe, as Mr. Bandinell stated, that on several occasions the Executive of the Brazils has been honestly desirous to pass such a law, but has been prevented by circumstances over which it had no control. And I also conscientiously believe that the policy of this country, by irritating the Brazilian people, and encouraging a sort of national sympathy in favour of the slave trade—by leading to the belief that, by giving way upon the question, they would sacrifice their national independence—that by this policy you are creating a prejudice, and raising up the national voice against you, and increasing the difficulties of the Brazilian Government, and that you are, in fact, taking the best means for defeating your own object. Was the slave trade abolished in England by the armed interference of foreign nations? Was it put down by cruisers sent by France, Austria, or Russia, or by any foreign nations setting up their own code of morals for our observance, and telling us what course we should follow, and what we should avoid? No. But it was abolished by the slow and gradual formation of public opinion; by public opinion influenced by that moral and religious sentiment which, I trust, will always influence the public mind of this country. These are the influences which brought about that great and glorious consummation here. But I am persuaded that if, while this public opinion was forming, you had had hovering about your coasts the armed cruisers of some foreign country, seizing your ships and your subjects—if you had had angry diplomatic correspondence going on with foreign Powers, and causes of annoyance such as are now operating with the Brazilians, we should, I am convinced, have been at that time no more able to abolish the traffic than the Brazilians are now. It is with these views that I earnestly call on Parliament to reconsider their decision. I arraign the Act—first, because it is founded on an erroneous construction of the treaty. I arraign the Act, because it is a violation of international law; and I arraign it, because it has been the subject of protest on the part of a Government whose co-operation you desire to carry out your object in the abolition of the slave trade. I arraign it, because it might form a precedent for the adoption of principles that might be used on other occasions and under other circumstances against this country, and bring great difficulties upon us; and because, moreover, if by a strange interpretation of international law, we could find an excuse for it, I believe it to be so unsound in policy—so little calculated to effect any great object—that I should nevertheless oppose it. I would ask the votes of those hon. Members who may not agree with me, either on the legal point of view, or on the question of policy. I say, that when the Act was passed by Parliament in 1845, a distinct declaration was given by the noble Secretary, that nothing would afford him greater pleasure than to propose the repeal of this Act; that he passed it with pain and reluctance; and that if the Brazilian Government showed a disposition to agree to any friendly co-operation for the abolition of the slave trade, he would be the first to come down to Parliament to repeal the statute in question. And since these promises were made, the Brazilian Government have submitted the project of a treaty to this country during the time the Earl of Aberdeen was in office, which, I believe I am right in saying, that noble Earl would have considered a good arrangement, and capable of carrying out the object which his Government had in view. He said, as I am informed (but I speak under correction, though I think I am stating pretty accurately what passed), that if such a project as was then submitted by the Brazilian Ministers was ratified, and became a complete instrument, he should be willing to propose the repeal of this Act. The negotiation, I may say, had terminated, or was so far terminated, that the project which has been submitted was satisfactory to both sides, and had only to go to the Brazils for ratification; and if ratified, our Act would have been repealed. I speak, of course, under correction. I speak, nevertheless, cautiously, and on information on which I think I can rely. But when my noble Friend came into office, in 1846, he did not—and I say so with all deference and respect—he did not approve, as I suppose, of the project which had been submitted to the Earl of Aberdeen. He wrote a despatch, in which he immediately put an end to the whole of the past negotiations. That despatch is to this effect:—

"LORD PALMERSTON TO MR. HAMILTON.

"Foreign Office, Aug. 13, 1846.

"Sir—With reference to the Earl of Aberdeen's despatch, dated the 9th August, 1845, and to subsequent correspondence on the subject of the Brazil Slave Trade Act, and upon the proposed negotiation of a new treaty with Brazil, which might suspend the operation of that Act, I have to desire that you will take no further steps in this matter until you receive further instructions from Her Majesty's Government. It will my duty to prepare a draft of an improved treaty between Great Britain and Brazil for the suppression of the slave trade, which I will send to you to be proposed to the Brazilian Government; and it will only be upon such treaty being signed and ratified, and upon the treaty and Brazilian ratification being received in this country, that any steps can be taken by Her Majesty's Government to suspend the operation of the Act 8 & 9 Vic., cap. 122.—I am &c. "PALMERSTON."

So the noble Viscount did not send a treaty for negotiation, but a treaty for signature. The noble Viscount, in effect, said, "It will be my business to send the draft, yours to sign it, contain what it may, however much it may interfere with the interest or the lawful commerce of the Brazils, however much it may affect the rights of Brazilian subjects. These are matters I will not entertain your objections to. I will draw up a treaty which you shall not be at liberty to question. Your business is to sign. Do so, and I will repeal the Act of which you complain; but on no other terms." This put an end to the negotiations. Ten months afterwards—(my noble Friend, it will be seen, gave ample time to the Brazilian authorities for digesting this communication—his despatch was dated in August, 1846, and in June, 1847)—ten months afterwards—out came the treaty my noble Friend proposed. In June, 1847, the draft of this treaty was forwarded, and Lord Howden received instructions at the same time. He was told in these instructions not to alter a letter of the treaty—that he was to go to the Brazilian Government with it, and call upon them to sign it. I will read to the House the instructions which Lord Howden received:—

> "Her Majesty's Government are desirous of removing all sources of difference between the two countries, and although Her Majesty's Government are fully satisfied with the effectiveness of the operation of the law of 1845—"

(The importation of the slaves being at that time greater than ever)—

> "and feel more confident of obtaining just and impartial decisions against slave vessels by courts of Admiralty than by mixed commissions such as existed under the convention;—"

(And I believe your Vice-Admiralty courts are the very worst of all the English tribunals. A Motion was made the other day in reference to them, and it was not then denied that they were the worst courts we have:)—

> "yet they would consent to recommend Parliament to repeal the law in question, if the Government of Brazil had actually concluded and ratified an efficient treaty for the suppression of the slave-trade. I accordingly transmit to you a draft of such a slave-trade treaty as Her Majesty's Government think would be effectual for its purpose; and I have to instruct you to propose it to the Brazilian Government, and to state that on receiving the ratification thereof by the Emperor of Brazil, Her Majesty's Government would recommend to Parliament the repeal of the law of 1845. This draft of treaty is nearly the same as the treaty concluded by Great Britain with Portugal in 1842, with some few alterations, in order to adapt it to the case of Brazil; and as it establishes no regulations of maritime police, or any other measures which are not considered by Her Majesty's Government to be absolutely essential to the effectual attainment of the object which it has in view, Her Majesty's Government cannot consent to make any alteration therein. The language, then, which you are to hold in this matter is, that the British Government considers itself fully and completely justified in having proposed to Parliament the Act of 1845; that it considers that Act as being for the present sufficient for the purpose of putting down Brazilian slave trade; and that, consequently, Her Majesty's Government have no wish to press the Government of Brazil to conclude a slave-trade treaty as a substitute for that Act; but that as the Government of Brazil objects to that Act, Her Majesty's Government would be willing, in deference to the wishes of the Imperial Government, to accept the treaty of which I send you a draft, in exchange for the Act of 1845; but in that case the treaty must be adopted such as it is purposed to be by the draft; and upon no other condition whatever can Her Majesty's Government recommend to Parliament to repeal the Act of 1845."

Now, I venture to think that these instructions—affording no ground for negotiation, or for consideration of any difference of opinion that might be entertained—were in no way calculated to be successful in obtaining a treaty from the Brazils. On the contrary, I am clearly of opinion that they were calculated to prevent it. I do not think the draft of the treaty which was sent out was of such a character as an independent country could well submit to. Whatsoever the Executive of the Brazils might desire, they would be found fault with by the Brazilian people if they were to consent to make them liable to many of the stipulations which that draft contained, and to submit to the mode in which it was proposed. I will not offer any further opinion upon the treaty, as I do not intend to recite it to the House; but I say that to send out a treaty, not to be negotiated, but to be signed, was neither justifiable nor likely to produce the object in view. I know I am not at liberty to quote despatches which have been laid before a Committee, before that Committee has reported. But I think I know enough of what has transpired to justify me in saying that Sir Charles Hotham, who commanded the African squadron, states that the plan adopted by us for the suppression of the slave trade has failed in its object. It has been unsuccessful in itself; and, with regard to the Brazils, it has aroused the feelings of the whole population against us. And he expresses this confident opinion—that there is there a considerable party among the younger men of that empire who have the same desire for the suppression of the slave trade as ourselves, but that the policy of England, in forcing on that country these obnoxious measures, has armed the nation against us, and prevented the co-operation of their younger men in putting an end to this horrible traffic. What does Sir Charles Hotham say? I had better read his words: a more important witness on such a subject we could not have. He says—

> "To expect that the Brazilian Government would unconditionally, under present circumstances, suppress the slave trade, is to look for impossibilities. Any such attempt on the part of the Government would be the signal for raising the republican flag in Pernambuco and Bahia; but I entertain a confident belief that in the Brazils there is a number of young men who are as strongly impressed with a desire for the suppression of the slave trade as ourselves; but our obnoxious measure has raised the voice of the whole

country against us, and prevents the co-operation of these persons in the common object."

There are other remarks relative to the importance of a better understanding between the Brazils and this country, and showing how deeply England is interested in the cultivation of friendly relations. The trade between the two countries is important and growing, and there is no State as to which England can have a stronger or deeper interest in maintaining such relations. I think I have now stated sufficient reasons to induce the House to give full and fair consideration to the proposition I have to submit, which is that I have leave to bring in a Bill to repeal so much of the Act 8 and 9 Vic., c. 122; but perhaps I had better adhere to the words of my notice of Motion to repeal the whole of the Act; for I am willing to repeal the whole of the Act, except some minor details which might be useful in any future enactment that may be passed. Before I sit down, I must be allowed to make one observation as to a trial that took place some few months ago. A certain number of Brazilian subjects were captured on the high seas by one of our cruisers, or at least a ship in charge of one of the Queen's officers. The prisoners on board the captured vessel rose and retook her; and, in so doing, they killed all the Englishmen on board, I believe — but, certainly, an English officer, a Mr. Palmer, was one of those whose lives were sacrificed. These men were tried for the murder, and convicted in the first instance—the judge, in his charge, laying it down broadly that they were pirates; for though the special proviso of the treaty, contained in the second, third, and fourth articles, had not been strictly adhered to, they were held to be merely directory, and the first article gave power to the British cruisers to seize such persons as pirates, and that the seizure having been made in this instance, and the persons on board having resisted and killed those who had been placed in possession of her, were guilty of murder. But when the question came to be referred to the fifteen Judges, they arrived at a very different conclusion; and, as I am informed, all of them, except Lord Denman and Baron Platt, were of opinion that those parties had been improperly convicted of murder. As no reasons for the judgment were made public, I cannot state the grounds of this decision; but, inferentially, I may state, that the treaty does not constitute these men pirates. If they were pirates, captured on the high seas, I cannot conceive how it is that they were not in legal custody, and, therefore, guilty of murder. I can only suppose the declaration of the Executive of Brazil, in 1826, that the slave trade should be deemed piracy, did not make it so; that, if it did, it did not delegate to us a criminal jurisdiction over the subjects of another Power. I, therefore, beg to move for leave to bring in a Bill to repeal the Brazilian Treaty Act.

Mr. URQUHART seconded the Motion, and said, the noble Lord at the head of Foreign Affairs had taken great credit for the efforts of a former liberal Government to enlarge our trade and commerce; but he had twice admitted that all our ordinary channels of commerce had been choked up. But if this were true with our European trade, how much more strongly did it apply to our trade with Brazil — that empire which owed, as it were, its existence to the fostering care of this country. He had, over and over again, brought under the notice of the House truths that might appear disagreeable and invidious—namely, that the noble Lord at the head of Foreign Affairs had always made use of the agitation in respect of slavery and the slave trade to effect other and ulterior objects. He could not reconcile the noble Viscount's conduct with regard to the Brazils with his professed anxiety for the extension of British commerce. So far from the course taken tending to put an end to the slave trade, it was shown by the evidence of the commanders on the station that it tended to increase and perpetuate it. He said that Portugal had been treated in a similar manner to Brazil, and that the slave-trade transactions with the former country had been the model upon which the Act of 1845 was framed. He contended that there was no justification for the treaty of 1845, and that, as the Earl of Aberdeen had doubtless mistaken the law on the subject, the question naturally arose, in how far the present Government were responsible for that Act. To him it mattered little upon whose shoulders the responsibility must fall: they had to consider the "measures, not the men;" but in the consideration of this part of the subject, it must not be forgotten, that from the despatch sent by the Earl of Aberdeen to the Brazilian Government, it appeared he proposed the Act with extreme pain, and that he was anxious afterwards to come down to Parliament and move its repeal. M. Lisboa projected a treaty, to which the Earl of Aberdeen assented. Then the Brazilian Government proposed an exchange of the right of search, saving their coasting trade, to which his Lordship also assented; and at that particular time a change of Government took place—the noble Viscount opposite returned to office, and forwarded that despatch to the representative of England at the Court of Brazil, to which reference had already been made by the right hon. Member for Manchester. There had been mawkish sensibility affected, and double dealing practised, by the English Government throughout the whole course of the negotiations. The treaty of 1826 gave the right to the British Government to deal with slavedealers as with criminals; but there were no laws passed by the Brazilians to make that act criminal. In the course of the last session of the Brazilian legislature, a measure was proposed to render persons criminal who should be found trading in slaves—that such offence should be treated as piracy—and that the parties should further be subjected to a penalty of 4,000 milrees. An amendment was suggested making the penalty banishment, with a fine; and to this there was no dissentient voice raised. All concurred in the necessity of some steps being taken; and the objection—the only objection raised — was, lest, by passing this measure, the Brazilians should appear to assent to the English Bill of 1845. Speaking of the slave trade on one occasion, the right hon. Baronet the Member for Tamworth had said, that if the ratification had been withdrawn on the part of France, it was because that country was incensed against England on account of the Syrian policy of the noble Viscount; but Brazil and Portugal had no Syrian policy to be incensed against, although both had had experience of fatal influence and mismanagement from the manner in which slave trade and political negotiations had been jumbled together. For these reasons, he was happy to second the Motion of the right hon. Member for Manchester, hoping that it would be followed up by measures in reference to that damning trial in which a judge had condemned men who had justly defended themselves against others who, though exercising the authority of the Crown of England, had acted in a manner which could only be designated as piratical.

Motion made, and Question proposed, "That leave be given to bring in a Bill to repeal the said Act."

SIR F. THESIGER said, that in consequence of the remarks which had been made by the hon. Member for Stafford, he thought it necessary to remind the House that the Motion of the right hon. the Member for Manchester involved the propriety of repealing the 8th and 9th Vict., cap. 122. He trusted that the House would give no encouragement to the Motion, because he was satisfied that if the House should adopt the course which the right hon. Gentleman was disposed to recommend, not only would the means of giving effect to the most important stipulation in the convention with Brazil be destroyed, but it would also exhibit a degree of weakness and vacillation, on the part of the Legislature of this country, which he thought would not tend to enhance its character in the estimation of foreign nations. The right hon. Gentleman had certainly introduced his subject with much clearness and force; but he had, if he would forgive him for saying so, fallen into one or two errors which it was necessary he should attempt to correct, before adverting to the general question. The right hon. Gentleman appeared to him to understand the 8th and 9th Victoria as if it gave power to the courts of this country to deal with the persons of Brazilian subjects. He (Sir F. Thesiger) thought it necessary that any such notion should be corrected, in order that the question might be properly understood. There was nothing whatever in that Act which gave any power over the persons of Brazilian subjects. It merely gave power to the Admiralty courts to adjudicate with respect to the vessels of Brazilian subjects, and the cargoes of those vessels. This being the case, it was necessary also that he should call attention to the real state of the question with respect to the passing of the Act of the 8th and 9th Victoria, because it was necessary to come to a careful determination on the point. The convention with Brazil of November, 1826, incorporated all the articles, clauses, and provisions of the treaty with Portugal of 1817; and by the first article of the treaty with Brazil it was provided that, in three years after the exchange of the ratifications, the slave trade should be entirely abolished, and that any subject of the Brazilian Government who trafficked in slaves, after that time, should be guilty of piracy. The treaty was ratified on the 13th of March, 1827, consequently the three years expired in 1830; and, under the additional articles of the treaty with Portugal of 1817, it was provided that, after the slave trade should be entirely abolished in Portugal, the treaty should subsist between this country and that Government for fifteen years, and, therefore, that additional article being incorporated into the treaty with Brazil in 1826, the slave trade being abolished by the articles of the Brazilian treaty of the 13th March, 1830, the treaty continued to subsist with Brazil to the 13th March, 1845, when it expired. Now, while the treaty was subsisting, and all the articles contained in the treaty with Portugal forming a part of that Brazilian treaty, there were mixed commission courts established, which had the power of adjudicating with respect to vessels engaged in the slave trade; and we passed an Act, the 7th and 8th Geo. IV., for the purpose of giving effect to the treaty of 1826, and, by a clause in that Act, the parties were prohibited against proceeding in other courts of Admiralty, thus compelling all concerned to resort to the mixed commission courts. So stood the law up to the 13th March, 1845, when the treaty came to an end; and then it was quite obvious that, inasmuch as the 7th and 8th Geo. IV. was a subsisting Act, and inasmuch as it expressly prohibited proceeding in courts of Admiralty in this country, and as the mixed commission courts had come to an end with the treaty on which they were founded, and that, although the stipulation of the convention of 1826 was binding and conclusive that the slave trade should come to an end in 1830, yet there was no possibility of carrying that treaty into effect, or of enforcing it, by reason of there being no mixed commission courts to which reference could be made, or in which proceedings could be instituted. It became necessary, therefore, to consider the situation in which this country stood with respect to the important question of the engagement which had been entered into by the Brazilian Government, that the slave trade should be absolutely abolished; and, in the first place, he must be permitted to say that he thought the right hon. Gentleman had fallen into a mistake in supposing that for the purpose of giving effect to the treaty it was necessary there should be an act of the Legislature of Brazil, because he (Sir F. Thesiger) thought that when a sovereign or the legal representative of a State entered into a treaty with other nations, those other nations were not bound to consider what the municipal law of that country was. The treaty was binding on all the contracting parties, and might be enforced, if necessary, by means of war. But it may at the same time be a treaty which the sovereign may have given the means of enforcing by more peaceable means; and he apprehended that the fact of the treaty of 1826, binding the Brazilian Government to abolish the slave trade in 1830, placed England in that position in which she was entitled to legislate under the circumstances which had occurred, in finding a substitute for the mixed commission courts, which had expired. That this was the notion of the Brazilian Government itself, appeared, he thought, clearly from a letter written by the Chevalier De Mattos in 1830, in which he stated that the slave trade having been totally forbidden to Brazilian subjects from the 13th of March, 1830, and persons infringing the law being liable to punishment under the convention of 1826, by the ordinary tribunals, he was directed to concert with Her Majesty's Government on the subject of the dissolution of the mixed commission at Sierra Leone and Rio de Janeiro, they having become superfluous. At the time, therefore, the Chevalier expressed an opinion that there was no necessity for the continuance of the mixed commission, and that the violation of that treaty might be referred to the ordinary tribunals of the contracting parties. It was quite clear that at the expiry of the fifteen years after 1830, the same power must exist in the ordinary tribunals as existed in 1830, when the treaty was subsisting, provided the stipulation was not temporary, but permanent and binding. That such was the case, nobody would dispute. There had been introduced into the discussion, in a rather unusual and irregular way, the opinion of a very distinguished person—the Lord Chief Justice of the Court of Common Pleas. He (Sir F. Thesiger) must confess that, although it might have been very desirable, for the purpose of fortifying the opinion of the hon. Member for Gateshead, that he should receive the expression of the views entertained by his right hon. and learned Friend—as he hoped he might still venture to call him—still it was not quite right that the right hon. Member for Manchester should have endeavoured to exercise an influence over the House by means of the powerful opinion contained in the letter of the Lord Chief Justice. He (Sir F. Thesiger) understood that that learned person had declared that he considered the Act to be a disgrace to the country. He (Sir F. Thesiger) was very much surprised to find that, if such was the opinion of the learned Judge, he did not offer an amendment when the Bill was under discussion, so as to prevent the disgrace which would attach to the country by passing it. The right hon. Gentleman said that the learned Chief Justice did oppose the Bill. Certainly he suggested doubts and difficulties, and recommended the House to look very carefully at the provisions of the treaty, and entreated the House not to go beyond the right limits; but the learned Chief Justice never thought of dividing the House. The Bill was postponed for consideration to another night; he (Sir F. Thesiger) did not recollect if the learned Chief Justice was present on the second night, but most unquestionably he offered no opposition whatever to the progress of the measure. It really did appear to him (Sir F. Thesiger) a most unusual course, to say the least of it, to introduce the opinion, although that of a most distinguished person, in the way that it had been done. The right hon. Gentleman had alluded to the Brazilian pirates' case, "The Queen *v.* Serva," and seemed to suppose that the thirteen Judges had decided against the validity of the convention and of the Acts of Parliament; but the facts of the case were these:—A Brazilian vessel was seized by the crew of the *Wasp*, on the African station. That vessel had no slaves on board; but a British officer and crew were put in charge of her, and she then gave chase to a second vessel, and captured her, That second vessel had slaves on board. The two vessels were the *Felicidade* and the *Echo*, and the murder was committed on board the *Felicidade.* A midshipman of the name of Palmer and the crew of the *Wasp* were put on board the *Felicidade*, and the Brazilian crew rose upon them, mastered them, and killed the greater part. The only question in that case was, whether the *Felicidade* was in the lawful possession of the captors, because all the Judges admitted that if she was in the lawful possession of Her Majesty's officers, she was within the jurisdiction of the Admiralty, and the prisoners might be tried by the proper tribunal in this country. The question of the validity of the convention or Act of Parliament, therefore, arose incidentally only, and was not the foundation of the decision. The case of Portugal was quite different from the case of the Brazils, and had, indeed, been conclusively distinguished from it in the year 1845 by his right hon. Friend the Member for Tamworth; but the question which the House had now to consider was, whether they would repeal the Act of the 8th and 9th Vict., c. 122; and, being satisfied that it was the only security which they now had for the Brazilians faithfully carrying out the stipulations of the treaty of 1826, and that if they abandoned the Act of the Legislature they would cease to have any hold whatever on the Brazilian Government, he thought that it would be a most undesirable thing to repeal it. They had told the Brazilian Government that their object in passing it was to enforce compliance with the stipulations of the treaty, and that they should desire to repeal it as soon as steps were taken by that Government for effectually carrying it out; but whatever attempts the Brazilian Government had made, in fact no such law existed in Brazil; and the consequence was, that if they repealed this Act of Parliament, the most important stipulations of the treaty of 1826 would become a dead letter, because there would be no means of enforcing it. In 1845, the Earl of Aberdeen had stated the intention of Her Majesty's Government to bring in such a measure as that of the 8th and 9th Victoria, but that they would be ready to repeal it as soon as the measures of the Brazilian Government for carrying out the treaty would enable them to do so; and at the present moment they were not in a condition to say that the Brazilian Government had done anything effectual towards the performance of that condition. Considering then the sacrifices which this country had made for the purpose of putting an end to this odious traffic in human beings—considering the anxiety with which from time to time it had endeavoured to obtain the co-operation of other countries—and considering that under the stipulations of the treaty of 1826, it had received from the Brazilian Government an engagement to assist in that object, he asked the House whether it was desirable now to repeal that Act, and render that engagement ineffectual? He could not bring himself to think that it was, and upon that ground he conceived that the House ought not to agree to the Motion of the right hon. Gentleman the Member for Manchester.

Mr. BRIGHT said: I think the House and the country will feel under an obligation to my right hon. Colleague for bringing this question under the notice of the

House. I think the more it is discussed, the more it will be seen that the arguments on which this Bill is supported are of a flimsy and untenable character; and the more it will be seen that there are great interests in this country dependent upon the course we may take respecting our relations with Brazil, at this or some early period. There are two questions dependent upon the course we adopt to-night. One refers exclusively to the interest which this country takes in the suppression of the slave trade and slavery; the other, and a most important question, refers to our commercial relations with one of our best foreign customers. The question appears to me an exceedingly simple one; and I think the authorities quoted by my right hon. Colleague are such as to set it at rest in the mind of every Member in this House not concerned in the carrying of the Bill of 1845, or who from his official position may not conceive it his duty to defend that Bill now. The question is, whether we have the power to assume an authority over Brazilian subjects which the Brazilian Government itself does not assume, and does not and cannot exercise. There is a certain article of a certain treaty by which the Brazilian Government is bound to perform a certain act in which we are interested; but either from inability or unwillingness they have failed to perform their part of the engagement. Then comes the question, is the Brazilian Government unable or unwilling to do that which they have contracted to do? We have the evidence of a gentleman of high authority on questions of this nature taken before the Committee over which the hon. Member for Gateshead is presiding, Mr. Bandinell, from which I think we may fairly conclude that the Brazilian Government have not intentionally failed in the performance of that article of the treaty, nor wished to escape from their honest engagement. But if the Executive Government finds itself unable, by reason of a strong public feeling against them in Brazil, to fulfil the engagement, that does not justify us in passing a law which the right hon. Baronet then at the head of the Government would have been the last man to propose had it referred to the United States, to France, or to any country which ranks equal in power with this country amongst the nations of the world. I have said, we assumed a power by this Act which the Brazilian Government clearly cannot now exercise. I suppose the hon. and learned Gentleman the Member for Abingdon will not argue that at this moment any court of law in Brazil could punish any Brazilian subject in the way our courts of law can. What more incredible than that our courts should have an influence over the subjects of a nation 6,000 miles away, which influence is not, and cannot, be exercised by that nation itself? A learned writer upon the subject of international law, Wheaton, says—

> "Piracy, under the law of nations, may be tried and punished in the courts of justice of any nation, by whomsoever and wheresoever committed; but piracy created by municipal statute can only be tried by that State within whose territorial jurisdiction and on board of whose vessels the offence thus created was committed."

It is quite clear, then, from this opinion, that, at any rate, it cannot be assumed for a moment that because this is called piracy in the first article of that treaty, therefore this country is empowered to treat it as the ordinary crime of piracy is treated amongst the various nations of the world. But, at this moment, the question is under discussion in the Brazilian legislature. I find in the *Daily News* of this morning, a report of a discussion on a project in the Brazilian Chamber of Deputies, and the Minister of Foreign Affairs declares that piracy, by the law of nations, was strictly defined, and slavetrading was not included therein; that municipal law can make no change in it; and that England, after the passing of this Act, would have no power which she had not before. And the whole discussion demonstrates the great difficulty we have got ourselves into by this interference, by this most improper and unsound measure that we have carried. But what are the proceedings which have taken place since this measure of 1845 was passed? By the Act, there ought to have been a return laid before Parliament of the ships captured. I have never seen such a return, unless it is mixed up with the ordinary slave papers. But I find that not less than 130 Brazilian vessels have been seized and condemned since the passing of this Act; and that of eighty-four so condemned, only eight had any slaves on board; the others were said to be equipped for the slave trade—an allegation easily proved before a court where the Brazilians had no counsel, and no *locus standi;* and, further, when we offer bounties and tonnage money to induce these captures, I know not to what length our invasion of the rights of Brazil may be carried under this Act. Another point is the commercial part of the question; and if the noble Viscount at the head of the Foreign Department will give me his attention for a moment, I may give him some reasons why the people in my part of the country are anxious that the dispute should be settled. I have it on good authority that not less than four or five millions of British capital is invested in Brazil, in various commercial undertakings. The annual amount of our exports to that country is not very much less than 3,000,000*l.* sterling. One of the results of our meddling with this slave question is, that our commercial treaties have fallen into disorder as well as the slave treaties. In 1844, our commercial treaty with Brazil expired; the Brazilian Government refused to renew it, except upon terms which the right hon. Baronet the Member for Tamworth at that time was not willing to concede — unless we would deal with the duties on sugar with some kind of fairness, such as they had shown to us with regard to our exports of manufactures. They were not willing to enter into a one-sided treaty with us, like the former one; and, since that time, we have had no commercial treaty whatever with them. Duties, then about 15 per cent, have, by various contrivances and small changes, one after another, been raised to 25 or 30 per cent; and now we are menaced with very high and retaliatory duties at the beginning of 1850. Moreover, there is a very awkward circumstance as to persons dying intestate in the Brazils, even though they have partners in this country: their property is obliged to go through, or rather to go into, a Brazilian court, and very little of it comes out again—it is nearly all wasted; and though there may be partners of the deceased persons living in this country, they have no means of recovering that property from the Brazilian tribunals. What, then, is the good of all the proceedings we have taken? Have you diminished the slave trade in the least? Your own evidence shows it has increased. I deny altogether the statement sent round to hon. Members this morning by the Anti-Slavery Committee—a committee of very energetic and busy men, but not the most judicious. I deny that there is proof of an increase of the slave trade consequent on the abolition of the sugar monopoly in 1846. I say, what have we gained by proceedings which have cost this country so much of valuable life on the coast of Africa, and so much treasure as we have annually spent? We find there has been no diminution of the slave trade; not only no diminution of its horrors, but an extraordinary increase of cruelty wherever cruelty was before inflicted; and we find at the same time that the great market for our manufactures, for the trade which I may be said here to represent to some extent, sending not less than a million and a half to the Brazils, and the whole industry of the country about three millions sterling per annum—we find, I say, our commercial relations with this great customer of ours very much entangled and perplexed by an attempt to do that which is absolutely impossible, to dragoon a free and independent nation into pursuing a course which we ourselves never should have pursued had any other nation attempted to compel us to it. It required many years of agitation, and the exercise of the strongest moral and religious sentiments of the people of this country, to induce the Legislature to assent to this with regard to our own dominions. Seeing the difficulty there was in prevailing on Parliament to abolish the slave trade and slavery in our own colonies, nothing could be more offensive or more presumptuous than for us to insist on the Brazilians taking a similar course before they had had the opportunity of making up their minds on the question. On this point Sir C. Hotham, in a despatch dated 5th December, 1848, says—

> "In the year 1846 I had a conversation with Senor Cavalcante, then Minister of Marine, and one of the ablest men in that country (Brazil). He expressed these opinions. He said, 'You cannot expect us to assist England, or to consent to stop the slave trade, whilst you are seizing Brazilian vessels, insulting our flag, and illegally condemning them.'"

Let us make this our own case. If we were the legislative assembly of the empire of Brazil, and a noble Lord at the head of the government of another country should send over his envoys, and be constantly meddling with this question; and if, when a measure was before this House for putting an end to the slave trade, a certain "Mr. Hudson," who is now in Brazil, and who, I believe, pursued the right hon. Baronet the Member for Tamworth to Italy some fifteen years ago—should insist that our legislation should take this or that shape to please the government he represented, I am quite certain that, whatever might be the feeling of the House with regard to slavery, its independent spirit would rise at the attempt to in-the most humane of the men who had exerted themselves in this cause—who had acted from the most benevolent motives, and sacrificed their time and money in promoting it—were now enumerated, it would be found that there was not one in twenty of them whose opinions were not changed. Let the House, then, consider two questions. The first was, whether the means now used really promoted the object? The answer to that was—No. The second was, did those means do good? and the answer to that was—No, they did harm. Then let the House consider at whose expense this system was carried on. Why, the whole sum collected for the window tax in this country—one million sterling — was thrown away upon maintaining the African squadron. If that squadron were not kept up, taxes to that amount might be repealed. Seeing, then, that the system was kept up at the expense of the light, and health, and life of our fellow-countrymen; seeing that in all this sacrifice of money and human life, that the means were utterly inefficient for the purpose, he thought the time had now come for the House to consider whether they were in the right path. His right hon. Friend the Member for Manchester had done good service in bringing the matter forward.

Mr. J. O'CONNELL did not think that the hon. Member for Montrose had succeeded in disconnecting the manufacturers of Manchester from the desire to promote the slave trade. Indeed it was pretty well confessed by the right hon. Member for Manchester; and it seemed to him (Mr. O'Connell) that the people of that town seemed to think that, in order that there might be free trade in goods, it would be desirable that there should also be free trade in slavery. He extremely regretted that the Motion had been brought forward by the right hon. Member. The Act of 1845 had given great encouragement to the abominable traffic in slavery; and they ought now to make a stand, or they would be driven back, and lose the advantages which had been gained by the Act of 1834, of which England might justly be proud, if even she had nothing else to be proud of. Hon. Members seemed to discuss the question as if it only concerned two parties—the English and the Brazilians; but they should recollect that there was a third party whom it more deeply concerned—the poor Africans; and surely this country had a right to interfere to protect them from the cruelties to which they were subjected. The convention made with Brazil in 1826 had never been repudiated by that country, and therefore this country had a right to insist upon its being carried out. There might be some doubts whether or not the African squadron had added to the misery of the slaves; but they should recollect that, if it had, it was in consequence of the steps they had taken during the last two years, and they should hasten to retrace them. He thought humanity and charity were of far greater importance than any trifling advantage that might be obtained in a commercial point of view, and therefore he should oppose the Motion.

Sir R. PEEL said, he thought hon. Gentlemen might postpone to another occasion than the present any discussion upon the general question of the suppression of the slave trade, and upon the measures which it might be desirable to adopt for that purpose, the more especially as the whole question was to be brought forward on an early day, upon the report of the Select Committee on the African squadron, when important evidence would be adduced, and the House would be in a position to form an opinion upon that subject. Of all the arguments which he had heard addressed to the House to-night, the effect was merely this—that because certain measures adopted by England had the effect of aggravating some of the evils attendant on the slave trade, therefore England should abandon all attempts to suppress or interfere with that trade. Now, there could be no doubt that if England would lend her ships to Brazil for the purpose of carrying slaves from Africa, the middle passage might be rendered more comfortable. Would this be any justification for such a proceeding on our part? And was it a conclusive argument against our continued attempt to suppress the slave trade, that such attempt occasionally increased the suffering of the unfortunate slave? He was sorry to find that the House should be pressed to apply to the slave trade the general principles of commercial traffic. The impression on the part of the public of this country and the Legislature was, that Christendom and the population of the world generally owed a deep debt to the African race, on account of the miseries inflicted, by the general consent of mankind, for the basest purposes of pecuniary gain, on their fellow-creatures of a different colour; and it had been the general determination of Christian nations to co-operate for the reparation of these wrongs, and the suppression of the practice by which they were inflicted. It was with this understanding that a treaty between two Christian States, England and Brazil, was concluded; and to carry that treaty into effect the measure now under consideration was introduced in 1845. It was introduced to give effect to the convention voluntarily entered into by Brazil with this country. But it had been argued to-night that such an object is a violation of the clear principles of international law; and on that ground the House was pressed by their vote to repeal the measure which was thus introduced. It was singular that this discovery respecting the violation of an international law should not have been made before. The highest authorities on international law were consulted by the Government, and declared that, though without the consent of Parliament Government could not give effect to the convention, yet that there was nothing to offend against the principles of international law in the carrying out by statute the objects intended by the convention. The measure was brought before the House of Lords, and he was not aware that a single Peer opposed the passing of the Bill; he did not think that there was even a discussion upon it; the Bill passed in the presence of the Lord Chancellor, the Lord Chief Justice, and others, the highest equity authorities and law Lords of the greatest eminence; yet nothing fell from any one of them to the effect that it offended against some of the principles of international law. It was passed unanimously by the House of Lords; by the Commons without serious objection; and now this House was invited to repeal, virtually at least, by a single vote a measure which passed with such general assent. Some reference had been made to an eminent lawyer, at present the Chief Justice of the Common Pleas, having called the Bill a scandal; but that learned individual was a Member of this House when the Bill was passing. He offered some objections to the third clause, but did not oppose the Bill either on the second or third reading. The Bill passed the first, the second, and the third reading without opposition, unless difficulties made with regard to particular clauses were to be considered as opposition to the passing of the Bill. He entreated the House to consider—their assent having been given to this Bill in 1845, the assent of the House of Lords having been unanimously given to the same measure, if the House should now, upon the ground that it was at variance with the principles of international law, repeal it by their vote that night—he entreated them to consider whether the authority of their decisions of such important matters must not be greatly impaired. The Member for Manchester argued that the act contemplated in this Bill was not piracy: piracy, he said, was understood to be that species of marauding which the law of nations empowered all to suppress; but, said the right hon. Gentleman, no one country could undertake to carry into execution the municipal law of another with regard to offences of another character. But the right hon. Gentleman seemed to forget that if two nations should enter into a convention for the accomplishment of a certain object, and should give to a certain offence the character of piracy; in that case, supposing the one to fail in the duties properly falling to their part, the other, in accordance with their undertaking, might justly execute the duties thus neglected. This was not the case of one country executing the municipal law of another, or of substituting the courts of one for the courts of another, for the punishment of a crime made such by municipal law only. This was a case wherein two countries, having entered into a convention, agreed to constitute and declare a certain act to be piracy; and where one of the two countries fails to act for the suppression of the piracy, in direct violation of the convention. In that case, he asked, whether it was against the principles of international law for the other of the two countries to give effect to the convention? That was the question they had to discuss. The convention having been agreed to by both nations, the Legislature sanctioned the measure passed in 1845 to give effect to the convention, on the express ground that the Government of Brazil had not only failed in performing their part of the treaty, but persisted in continued, persevering, and glaring violation of the convention by direct encouragement to the slave trade. This was the account which had been given of the manner in which the convention had been observed by the Government of Brazil. The Earl of Aberdeen, in introducing this Bill in 1845, thus spoke—

> "With rare and short exceptions, the treaty

had been by them systematically violated from the period of its conclusion to the present time. Cargoes of slaves had been landed in open day in the streets of the capital, and bought and sold like cattle, without any obstacle whatsoever being imposed upon the traffic. Our officers had been waylaid, maltreated, and even assassinated while in the execution of their duty; and justice, in such cases, if not actually denied, had never been fairly granted. No doubt much had happened in the course of the last ten or twelve years which would have justified, and almost called for, an expression of national resentment; but Her Majesty's Government had no wish save to provide for the effectual execution of the treaty as stipulated for by the first article; and with that view he had brought forward the present Bill, which had been approved of by the highest authorities in such matters."

Repeal this Bill, and he felt that England would loudly proclaim to the world that all her efforts to prevent the slave trade, all her endeavours to mitigate the horrors of it, were unavailing, and must be abandoned. He would advise them to add, that they had determined no longer to oppose, but to to sanction and regulate, the slave trade—to permit Cuba and Brazil to carry on the traffic without molestation or remonstrance—in so many words, to declare to the nations of the world that they were not prepared to interpose, by acts or by influence, for the mitigation of the miseries of the African race.

Mr. W. P. WOOD did not apprehend that any person in that House could believe that England would ever retrace the steps which she had taken in the great cause of humanity; and sure he was that if he thought such could be the possible consequence of supporting the present resolution, he should say nothing in its favour. He believed that the question, when rightly considered, was one of the driest and shortest that could well be conceived; but though so dry and so short, it was pregnant with great and important consequences as regarded the national faith, honour, and integrity. It appeared to him that if they looked to the Act 8 & 9 Vic. they should find very great difficulties, because it did not in any shape carry out the treaty, construe it as they would. The treaty did not rest with declaring that the offence to which it referred should be piracy; but it appointed a special tribunal, composed of a mixed commission of the two nations, for the trial of the offence. The 4th Section of the Act of Parliament, however, provided that the courts of Admiralty should proceed to adjudicate in these cases according to all the provisions in the Act for the suppression of slavery, and not according to the Act relative to piracy. Well, there was a special tribunal appointed for the trial of that offence—perhaps unnecessarily appointed. That he would not now argue; but who ever yet heard of the legislature of any country taking upon themselves to say that they would enforce the performance of a treaty by handing over the subject-matter of that treaty to be dealt with by our tribunals, by an Act of our own passed some long period before the treaty was thought of? The right hon. Baronet the Member for Tamworth said that the Bill sought to be repealed, was passed without a division in that House, and without discussion in the House of Lords. Suggestions, however, were made in the House of Commons with regard to it, and it passed under protest; but now they were to be told that they were going to repeal by a single vote all that which had been deliberately done—that they were going to stultify themselves, and to proclaim to the world that their opinion was of no authority or value whatever. In the first place, however, under any circumstances, they were not going to do all that by a single vote: for the present proposition was for leave to bring in a Bill, upon which, if introduced, there must be plenty of opportunities for discussion. Another point to which he wished to direct the attention of the House was this. In ordinary cases of Acts of Parliament passed by the Legislature in some degree of haste, there was some opportunity afforded for the parties interested to present petitions to the House explaining their views. But in this case they passed an Act of Parliament concerning a considerable foreign Power, which had no legitimate means of interposing in their discussions, or of causing them to hear arguments in opposition to the progress of that measure; and he did believe that on that very account it was—because there were no means of interposing to prevent its progress—that the Bill passed with such rapidity as it did.

Viscount PALMERSTON: Sir, I certainly shall follow the recommendation of my Friend the hon. Member for Essex by not entering at present at large into the question of the means for the suppression of the slave trade. Indeed, I must do my right hon. Friend the Member for Manchester the justice to say, that there was nothing in his speech which rendered such a discussion necessary. He felt no doubt that, as a Committee was sitting which has this matter under consideration, he was better performing the duty he had undertaken by confining himself to arguing the Motion he made, and not going into the other more large and extended question. My hon. Friend the Member for Montrose certainly launched at once into his favourite topic; and I am accused by the other hon. Member for Manchester of having a benevolent crotchet. The hon. Member for Montrose must excuse me for saying that he has a crotchet to which I cannot apply the same epithet. For myself, I acknowledge a "crotchet." I believe it is shared by a very large proportion of the people of this country; for, however hon. Members may give out for the purpose of their argument that public opinion is changed, and that the people of England are indifferent to the abominable and atrocious crime of slavetrading, they may depend upon it, if the people of England thought this House likely to retrace the steps which for so many years have been followed, in deference to the opinions of all the most eminent men, of whatever side of politics, who have adorned this House and this country, the hon. Gentlemen would find themselves under a grievous mistake. I shall content myself upon that point with saying that I totally differ from the assertions that are made with regard to it. I deny, in the first place, that the means which have been adopted have utterly and entirely failed. They have done immense good; they have prevented enormous evil. I deny, in the next place, that opinion which has passed from mouth to mouth, and is taken up without examination, that the methods of suppression we have adopted, have aggravated the horrors of the middle passage. Whenever we come to discuss that question, I will show that is not the case; that the horrors of the middle passage were greater in former periods than at the present time. But I pass all that by, as a matter much too large to be dealt with at present, and not belonging to the present question—at least, not to the argument of my right hon. Friend the Member for Manchester. But I must be allowed to say one word with reference to what has fallen from the hon. and learned Member for Oxford, that he would not vote for this Motion if he thought by doing so he was giving the slightest indication of any disposition to encourage that atrocious and abominable crime. Why, nobody is consistent that I have yet heard, except my hon. Friend the Member for Montrose, who avows—at least, I think he is not prepared to deny—that he does wish to set the slave trade free. What would be the effect of repealing this law? It would entirely exempt the Brazilian flag from all molestation in the pursuit of the slave trade; and therefore you would have the ocean covered, the coast of Africa swarming, with slavetraders sailing under the protected flag of Brazil, and exercising their violent and cruel occupation from one end of that continent to the other. And therefore, when the hon. and learned Gentleman the Member for Oxford says that he would not wish to do anything that should indicate that disposition, I must say, that in voting for this Motion he will be giving not an indication, but infinitely more—a proof, that, as far as his vote can go, he is ready to let loose the slave trade upon Africa. With regard to the law itself, the statements made by the right hon. Baronet the Member for Tamworth, and the hon. and learned Gentleman the Member for Oxford, seemed to me to place the matter upon the clearest and most satisfactory ground. I have heard arguments founded, I think, upon a jumble of ideas, arising from Gentlemen dealing with matters with which, perhaps, they are not quite familiar; and a great deal of the argument which I have heard to-night has been founded upon a confusion of international piracy and conventional piracy. At one moment Gentlemen argue this matter as if they were dealing with international piracy—piracy by the law of nations, and then, all on a sudden, they change their ground, and treat it as conventional piracy, and then again go back to international piracy, and the confusion of their ideas leads them to think that their argument is sound. Now, what is the state of things? There is a piracy which is, by the law of nations, cognisable by all nations without any conventional arrangement; piracy, I may say, consisting in acts of violence and plunder upon the high seas; which is proved by an overt act, but which, when committed, and the parties taken in the fact, is punishable summarily without any international convention. But that is not this case. The slave trade is not a high crime of that description; it is not piracy by the law of nations; it may be made piracy by convention or by the law of any particular country. Now, in this case two countries agreed that it should be piracy; Great Britain and Brazil made a convention, by which any act of slavetrading committed by subjects of Brazil should be deemed and treated as piracy. That convention gave, therefore, to both parties the right of so dealing with and treating an act of piracy by a subject of Brazil. And when, by reason of the interpretation which had been put upon it, the Portuguese convention was held to have ceased, and all that machinery of mixed commissions was put an end to, then the late Government was justified in proposing to Parliament, and Parliament was justified in passing, that Act by which the act of piracy, and the crimes committed by Brazilian subjects, were brought to the cognisance of British tribunals. Notwithstanding what the hon. and learned Gentleman had said, he could not help thinking that the silence of the authorities in the House of Lords was a strong presumption that the objections sought to be urged on the ground of international law had no foundation whatever. The hon. and learned Gentleman appeared to object, not that the law went too far, but that it did not go far enough. His argument was that they ought to have dealt with the subjects of Brazil, and that they had only dealt with their ships. If it was conceived that the Government of this country had gone beyond the treaty, he could understand the argument; but he could not see that the assertion that they had not taken the full extent of the power, was a reason to show that they had gone beyond what they had authority to do by the convention of 1826. It was said that there were no parties to watch the passing of the Act; but was not the Brazilian Minister aware of the passing of the Act? [Sir R. Peel: The Brazilian Government had notice of it.] He was reminded by the right hon. Baronet that there was the three years' notice, and that the Brazilian Government were perfectly warned beforehand that if they persisted in the course complained of, something of this sort would be adopted. It was not controverted that not only from the time of the actual passing of the convention, but from the time of the passing of the law in Brazil, in virtue of the convention, the Government of Brazil had pursued one uninterrupted course of violation of that treaty. It was said that the British Government had assumed a power of dealing with Brazilian subjects that was not warranted by the laws of that country. Now, the law of that country did not, he admitted, make the slave trade piracy, but the Brazilian Government passed a law in 1831, which if carried into execution would have had a very great effect in checking the perpetration of the crime of slavetrading. Vessels engaged in this traffic were to be confiscated, and everybody connected with the transaction, whether in furnishing money, going to Africa, buying slaves at home, or selling them again, was, by the law of 1831, liable to some degree or other of punishment. Did the British Government do more than the Brazilian law of 1831? The fact was it did less, because it only seized the ship and cargo, while the law of 1831 went to the extent of punishing every person connected with the transaction. It was perfectly true that a communication was made to the Brazilian Government, that if they would agree to a slave-trade treaty, the British Government would recommend to Parliament the repeal of the present law; but the statement was perfectly new to him that an arrangement for such a treaty was concluded by the Earl of Aberdeen. It was true that after he came into office, in February, 1847, the Brazilian Minister did communicate to him a draught of a treaty, but which he said had been drawn out and prepared by a Government which was not then in office; and therefore he was not authorised to propose the treaty to him (Viscount Palmerston) in any official way. That was the only proposition that had come from the Government of Brazil, and it was liable to great objection. Accordingly, he sent out by Lord Howden a draught of a treaty such as would, if agreed to by the Brazilian Government, justify the Government at home in proposing the repeal of the present law to Parliament. That treaty had not been accepted by the Brazilian Government. They said that they would send a counter proposition, but it had not been made. A verbal communication had been made by the Brazilian Minister that he expected shortly to receive such a communication; but as yet no such communication had been made to him (Viscount Palmerston). It was now said by some parties that this question of the slave trade was the cause that no commercial treaty was made with Brazil; and he understood his right hon. Friend the Member for Manchester to say that it was on account of this slave-trade controversy that the Brazilian Government refused to continue the expired treaty of commerce. The fact was not so. The former treaty of commerce with Brazil was an example of the bad effect caused by trying, in commercial transactions, to get an undue advantage. It was a treaty which affected the import duties upon our commodities. They were limited to a low amount, and the treaty was felt as a most irksome restraint by the Brazilian Government. They had long considered it an impediment to an advantageous arrangement of their tariff; and they longed for the expiration of the term when they should be set free. It was quite a mistake, therefore, to suppose that raising their duties from 15 to 25, or 30 per cent, was in any degree a retaliation; it was the natural reaction of a Government that had long felt its financial resources crippled by an engagement made many years ago, under very different circumstances. It was an effort they naturally made, when they recovered their liberty, to apportion their customs duties to the necessities of the State. Hon. Gentlemen very much deceived themselves who imagined if this Act were abolished tomorrow, and they let loose all the Brazilian slavetraders to trade to Africa, they would find the Brazilians willing to enter into such an arrangement as the duties from which they had escaped. The fact was, that treaties of commerce, fixing mutual tariffs, were treaties which this country was not likely to enter into, and to which other countries would feel an insurmountable repugnance to accede. Practically, he did not think it would be said that our commerce with Brazil suffered from Brazilian restrictions. It was perfectly true, there was a law in Brazil which inflicted great injury and inconvenience upon British subjects; but it was one common to all foreigners residing in that country. He referred to the law by which the estates of persons dying intestate were administered by the court of orphans; and he must concede what his right hon. Friend said, that estates might sometimes pass through that court and come out in a totally different condition from what they were at their entrance. The practical application of this law, however, had been very much modified by arrangements and understanding between the two countries. Whether a treaty of commerce would be likely to make such alterations as were required, he did not say. It was a point, however, upon which it was desirable to obtain some alteration. He held the existing Act to be perfectly borne out by the treaty of 1826; and he was convinced that if it were abolished, the question would be at once solved, whether the slave trade should be allowed to revive. The question would be solved without discussion, upon the merits of the case; and if that were done, it would be found that the feelings of the country would greatly revolt at it. Even those who were of opinion that everything that had been done upon this subject was wrong — who thought the slave trade ought henceforth to be free—even those, as a matter of discretion, suspended their decision until the Committee, which was now considering these matters, had reported whether they saw any means better than the present calculated to accomplish the object. On these grounds, he should resist the Motion of his right hon. Friend; and he could not allow himself to doubt, notwithstanding the feeling that seemed to exist in the minds of some persons—of, at least, indifference—that a majority of the House would adhere to the principle which had so long done honour to the country. He could not suppose, after such great progress had been made towards the consummation of a great national object, that, by voting for the Motion, the House would sanction the opinion that the country was indifferent to the continuance of the inhuman, atrocious, and abominable traffic in slaves.

Mr. ROUNDELL PALMER expressed his surprise that a Gentleman possessing so much acuteness as the hon. and learned Gentleman the Member for Oxford should have argued in such a strain; for by the treaty which this country had entered into with Brazil, it was distinctly set forth, that the Brazilian Government agreed with the Government of Great Britain that the carrying on of the slave trade by any subject of Brazil should be deemed and treated as piracy. What was piracy? Something that disentitled the persons committing the crime from the advantages of all international law. The Government of Brazil had declared that we were to deal with Brazilian subjects trafficking in slaves as with pirates; therefore, the Government of that country had no right to complain if we dealt with them as pirates. There could be no doubt whatever that, according to the law of nations, private vessels legitimately captured by this country were amenable to the decisions of the Admiralty courts, and could be disposed of in any way that the Parliament of England might think most desirable. The Brazils would have no *bonâ fide* ground of complaint, according to the law of nations, if such a course were adopted by England.

MR. COBDEN said, the noble Viscount the Member for Tiverton had done great injustice to his hon. Friend the Member for Montrose, and those who concurred with him, in condemning the present method adopted to suppress the slave trade, by assuming that they wished for a return to the old practice of the slave trade. If there were one thing more universally admitted than another, it was the disastrous failure of the attempts to put down the slave trade by means of armaments. [Colonel THOMPSON: No, no!] His hon. and gallant Friend said "No, no!" He would remind him of a statistical fact. Did not the Anti-Slavery Society, in the little tract which they had sent to hon. Members that morning, state, and prove by figures the truth of the statement, that the number of slaves now transported from Africa was more than it was in 1807, when the slave trade was carried on both by England and the United States of America? If more slaves were now taken by other countries than were required altogether, when England and France were the two greatest customers for slaves, could there be a doubt that all their attempts to suppress the slave trade by force had disastrously failed? In the same little paper, which was, he supposed, designed to induce them to vote against the Motion of his right hon. Friend, it was stated that the number of deaths on the middle passage had increased from fourteen per cent to twenty-five per cent since 1807, and that the horrors of the middle passage had increased in the same proportion. Under these circumstances, it was rather too hard, it was somewhat cool, for the noble Viscount to get up—the right hon. Baronet the Member for Tamworth put the argument on a similar issue—and say, that those who voted for the discontinuance of the employment of armed cruisers, were for that reason advocates of a return to the slave trade. Why, what said the Anti-Slavery Society itself in the little pamphlet which they all had in their pockets? The very first paragraph of an address presented to the noble Viscount the Member for Tiverton by the Anti-Slavery Society, and signed "John Scoble, 27, Broad-street," was a protest against these armed cruisers, as having been totally unsuccessful. Did the noble Viscount mean to say that Mr. Scoble and the Anti-Slavery Society were in favour of returning to the slave trade? If the argument were good as against the hon. Member for Montrose, equally good was it as against the Anti-Slavery Society; and he must say, it was rather hard that those who had borne the heat of the agitation in the anti-slavery cause, from the early life of Mr. Clarkson down to the present day, should be included in a general condemnation because they were not in favour of employing armed cruisers. He believed that the great reason why they had hitherto failed to abolish the slave trade was, that they had relied on coercion. His great quarrel with the anti-slavery people of the present day was, that they had departed from their own principle of attempting to influence nations by appeals to humanity and religion, and had attempted to effect their object through statesmen and politicians. From the moment when the Anti-Slavery Society went with deputations to Downing-street to urge the coercion of other nations into the adoption of anti-slavery principles, they had done more harm than good. Going back to the beginning of the system, he would assert, that every effort made at the Congress of Vienna, and every effort made at Paris in 1814, had produced the same injurious consequences. In letters of the Duke of Wellington written from Paris in 1814, it was stated distinctly that French newspapers and French society gave them no credit whatever for sincerity, and that they were regarded as seeking to convert other nations, in order that they might carry on the selfish traffic alone. If they would give other countries credit for having the same power to repress moral evils as was possessed by themselves, and if they would content themselves with setting a good example, they would do far more good than they could effect by armed cruisers. He would not trouble the House with one word about the legal question; he would only add, that he believed the statesmen of Europe, and the diplomatic corps of the whole world, were opposed to the treatment which Brazil received from this country.

COLONEL THOMPSON said, even if it were to be conceded that the Anti-Slavery Society was right in its assertion that there was more slavetrading now than at some period assignable in history, it would not follow that the endeavours to check it had been useless; but that, on the contrary, if the effort had not been made, the mischief would have been greater. Here was a parallel case, which the hon. Member for the West Riding would have been very ready to answer, which would be, if it had been urged that a great change in the commercial policy of this country had not been effective to the greatest extent imagination could suggest. During his whole life he had been a supporter of the main object of the Anti-Slavery Society; but he must confess, it appeared to him they were at this moment under a cloud. At all events, he was not bound to explain the *rationale* of their proceedings; and when he found the Member for Manchester (Mr. Bright) speaking as he did of "benevolent crotchets," he felt no doubt that they should live to see that hon. Member presiding at the Horse Guards, or perhaps commanding the Channel fleet. On the subject of the Slave Trade Committee and the evidence before it, he implored hon. Members to wait till they had the opportunity of judging for themselves. If there was evidence of one kind brought before it, there was also evidence of another. In every service there were men of feeble organisation and despondent dispositions; and individuals of this description were brought before the Committee to assure them there was no use in trying to catch a slaver, they could not build vessels to do it, the service was unhealthy; in short, they did not like it. Now, if this was to be established, he would make a direct proposal, which was, that if the English Navy said they could not do it, a fair offer should be made to the French Navy to do it instead. He would intreat the House particularly to beware of the political economy they might hear from the Navy. The new crotchet of the Navy was, that there was no use in cruising against an enemy's commerce, because it would only be driving it from Brest to Toulon, and from Toulon to Brest, and because it was plain that wages and profits must rise in proportion to the risk, and therefore cruising was only encouragement. This was the new naval political economy, and he was heartily ashamed of it. There was clearly a party on the opposite side; but he felt confident that those who had passed their lives in opposition to all forms of slavery, would not find their country to be against them in the end.

Mr. BRIGHT, in explanation, said, the noble Viscount referred to the phrase, "a benevolent project," as if, in using it, he (Mr. Bright) had alluded to the feeling against the slave trade. He should be ashamed to suppose that one man in that House felt more strongly on that subject than another; he believed the feelings of all were equally strong; his observations had reference to the peculiar mode by which the noble Viscount thought he could put down the slave trade, and not to the slave trade itself.

Mr. MILNER GIBSON, in reply, said his noble Friend the Secretary of State for Foreign Affairs, had, he apprehended, got into some confusion of mind between piracy by municipal law and piracy by the law of nations. Altogether, he (Mr. M. Gibson) must say, that his noble Friend had not been quite so clear as usual. He said, for example, that he could, under the existing treaty, deal with Brazilian slave-traders as pirates, and confiscate their ships; and yet he was, it appeared, about to negotiate a new treaty. If the old treaty were such as his noble Friend described, why did he seek to obtain a new one? The House was asked to decide that, in case his noble Friend made a declaration to a foreign Minister, that an Act which was now lawful in England had become unlawful, the subject might be handed over to the penal laws of a foreign country. He, for one, must repudiate such a doctrine as totally inconsistent with the first principles of international law and with common justice.

Question put.

The House divided:—Ayes 34; Noes 137: Majority 103.

List of the Ayes.

Adair, H. E.
Anstey, T. C.
Bouverie, hon. E. P.
Brown, W.
Bunbury, E. H.
Cobden, R.
Duff, G. S.
Ewart, W.
Greene, J.
Hastie, A.
Henry, A.
Heywood, J.
Heyworth, L.
Horsman, E.
Hume, J.
Keating, R.
Kershaw, J.
Locke, J.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Pilkington, J.
Salwey, Col.
Smith, J. B.
Stuart, Lord D.
Sullivan, M.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Urquhart, D.
Williams, J.
Wood, W. P.
Worcester, Marq. of
Wyld, J.

TELLERS.

Gibson, M.
Bright, J.

List of the Noes.

Acland, Sir T. D.
Adair, R. A. S.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Baring, T.
Bass, M. T.
Berkeley, hon. H. F.
Blackall, S. W.
Blair, S.
Bourke, R. S.
Boyle, hon. Col.
Brotherton, J.
Bruen, Col.
Bunbury, W. M.

Buxton, Sir E. N.
Carew, W. H. P.
Cayley, E. S.
Chichester, Lord J. L.
Childers, J. W.
Christy, S.
Clements, hon. C. S.
Clive, H. B.
Cole, hon. H. A.
Coles, H. B.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Currie, H.
Dawson, hon. T. V.
Deedes, W.
Douglas, Sir C. E.
Duncombe, hon. O.
Duncuft, J.
Dunne, F. P.
Ebrington, Visct.
Edwards, H.
Evans, W.
Ferguson, Sir R. A.
Ffolliott, J.
FitzPatrick, rt. hn. J. W.
Fitzroy, hon. H.
Freestun, Col.
Galway, Visct.
Glyn, G. C.
Gordon, Adm.
Graham, rt. hon. Sir J.
Greenall, G.
Grey, rt. hon. Sir G.
Grey, R. W.
Gwyn, H.
Hamilton, Lord C.
Harris, hon. Capt.
Hawes, B.
Heald, J.
Herbert, H. A.
Herbert, rt. hon. S.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodgson, W. N.
Hollond, R.
Hood, Sir A.
Howard, Lord E.
Howard, Sir R.
Jervis, Sir J.
Johnstone, Sir J.
Jones, Capt.
Keogh, W.
Keppel, hon. G. T.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, G. C.
Lowther, hon. Col.
Mackenzie, W. F.
Maitland, T.
Marshall, J. G.
Martin, C. W.
Masterman, J.
Maule, rt. hon. F.
Miles, P. W. S.
Milner, W. M. E.
Milnes, R. M.
Moore, G. H.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Norreys, Sir D. J.
O'Brien, Sir L.
O'Connell, J.
Paget, Lord C.
Palmer, R.
Palmerston, Visct.
Parker, J.
Pearson, C.
Pechell, Capt.
Peel, rt. hon. Sir R.
Pigott, F.
Pinney, W.
Plumptre, J. P.
Power, N.
Price, Sir R.
Pryse, P.
Rawdon, Col.
Ricardo, O.
Robartes, T. J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Rutherfurd, A.
Sadleir, J.
Scully, F.
Smith, J. A.
Somerville, rt. hon. Sir W.
Strickland, Sir G.
Talfourd, Serj.
Tancred, H. W.
Tenison, E. K.
Thesiger, Sir F.
Thompson, Col.
Tollemache, J.
Townshend, Capt.
Vane, Lord H.
Verner, Sir W.
Ward, H. G.
Watkins, Col. L.
Wawn, J. T.
Willyams, H.
Williamson, Sir H.
Wilson, M.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.

TELLERS.
Tufnell, H.
Bellew, R. M.

The House adjourned at One o'clock.

HOUSE OF COMMONS,

Wednesday, April 25, 1849.

MINUTES.] PUBLIC BILLS.—2° Attorneys and Solicitors (Ireland).

PETITIONS PRESENTED. By Mr. John Tollemache, from Gresford, County of Denbigh, against the Parliamentary Oaths Bill.—By Mr. P. Wood, from Liverpool, for the Affirmation Bill.—By Sir Thomas Acland, from Clergy of the Church of England within the Diocese of Exeter, against, and by Viscount Ebrington, from Plymouth, in favour of, the Clergy Relief Bill.—By Mr. Alexander Hope, from a Number of Places, against, and by Mr. Stansfield, from Huddersfield, in favour of, the Marriages Bill.—By Mr. Forbes Mackenzie, from Peebles, against the Marriages Bill, Marriage (Scotland) Bill, and Registering Births, &c. (Scotland) Bill.—By Mr. Fox Maule, from several Places, and by other hon. Members, against, and by Mr. Hume, from Arbroath, in favour of, the Sunday Travelling on Railways Bill.—By Mr. Reynolds, from Dublin, for a Tax on Absentees (Ireland).—By Mr. Plumptre, from several Places in Kent, for Agricultural Relief.—By Sir T. Acland, from Clergy of the Church of England within the Diocese of Exeter, for an Alteration of the Law respecting Education.—By Lord James Stuart, from the Royal Burgh of Irvine, against the Lunatics (Scotland) Bill.—By Mr. Ewart, from Dumfries, against the Navigation Bill.—By Mr. Mullings, from Cirencester Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Reynolds, from the Corporation of Dublin, in favour of the Poor Laws (Ireland) Rate in Aid Bill.—By Sir Thomas Acland, from Thorverton, Devonshire, for the Adoption of Measures for the Suppression of Promiscuous Intercourse.—By Viscount Galway, from several Places in Nottinghamshire, against the Public Roads (England and North Wales) Bill; and by Mr. William Miles, from Clerks of Turnpike Trusts in the County of Somerset, for Compensation for the Loss they would sustain should this Bill pass.—By Mr. Milner, from York, for the Abolition of the Punishment of Death.—By Mr. Busfeild, from Bradford, Yorkshire, for an Alteration of the Sale of Beer Act.—By Mr. Hughes, from several Places in the County of Carnarvon, for Settling International Disputes by Arbitration.

BRIBERY AT ELECTIONS BILL.

Order for Committee read.

SIR J. PAKINGTON, in moving that this Bill be committed, observed, that it had undergone material alterations in its passage through the Select Committee which had been appointed to consider it. These alterations he would explain in detail when the Speaker had left the chair.

COLONEL SIBTHORP complained that he had not heard one single word that had fallen from the hon. Baronet, and he believed he was justified in asserting that none of his hon. Friends around him had been more fortunate than himself. The rumour in his immediate vicinity, however, was, that the hon. Baronet had moved that the Bill be committed; and to that Motion he should like to propose an Amendment if the Speaker should rule that it was competent for him to do so.

MR. SPEAKER said, it was quite competent for the hon. and gallant Member to move an Amendment on the Motion of the hon. Baronet.

COLONEL SIBTHORP said, that, being the case, he should not hesitate to move that the further consideration of the Bill be postponed for six months. He had frequently taken occasion to express his deep detestation of measures of this kind. Many Bills similar to the present had been introduced; but he was happy to say that they had been most effectively "burked" one after the other. The present measure was the worst of all, and he hoped that an ignominious end awaited it. They were going from *absurdum ad absurdius*. He was as much opposed to bribery and corruption as any man in that House could possibly be, and he defied any man to prove that he had been guilty of either offence; but the reason why he resisted the present Bill was, that he knew that it would belie its title, and be wholly inoperative in preventing bribery and corruption. It would, moreover, discourage the practice of hospitality, and of those friendly offices which neighbours ought to interchange, and which were rendered imperative by local feelings, and, it might be, by local obligations. It would also compel a Member to be guilty of many mean, dirty, and contemptible transactions. If it was intended for the injury of the resident gentlemen who might aspire to the honour of a seat in that House, and for the protection of scamps and adventurers who dropped from the hustings as if from the clouds on the day of election, why was not a measure introduced to prevent the practice of bribery and corruption by the hon. Gentlemen who sat on the Treasury bench? No men indulged more largely in such practices. Every one knew that, when a dissolution of Parliament was expected, or had taken place, it was a thing of common occurrence for a Minister to tell one of his *quondam* supporters to go down to Portsmouth, Greenwich, or any other place, and to get himself returned; accompanying the advice with a promise that, in the event of his success, he should be made a Baronet. What was that but bribery and corruption? In spite of all their Bribery Bills, he would continue to discharge the duties of hospitality and good fellowship, as he had done within the last week. There were many ways of bribing besides slipping a 5*l*. note into the hand of an elector. This Bill would discourage the 5*l*. practice; but did they not all know that a wink was as good as a nod, and that a candidate might not be the less acceptable because it was known that he could procure a situation for the son or cousin of an elector? It would be degrading for any gentleman to stand on the hustings and take such an oath as was required by this Bill. What would Pitt or Fox have said to such a measure? They would have spurned it from them in a moment, as he hoped the House would now do.

MR. F. MACKENZIE seconded the Motion.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words, 'this House will, upon this day six months, resolve itself into the said Committee,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR G. GREY said, he was sorry that the hon. and gallant Gentleman opposite should oppose the House going into Committee on the Bill, as he thought this was only due to the hon. Baronet, the framer of the Bill, in common fairness. The House would remember that he opposed the principle of the Bill on the second reading; and he said then that the declaration exacted by the Bill from Members, that they had not been guilty of bribery, would be a snare to the conscience. He objected to its principle, and he thought it aimed at what was utterly impracticable. The House, after a full discussion, however, decided against the view which he took; and he must say that he was surprised when he found that he could not number amongst the opponents of the Bill on that occasion the hon. and gallant Member for Lincoln, who, he believed, left the House before the division took place. As the principle of the Bill was then fully discussed, he would not now oppose its going into Committee; but he begged to be understood, in assenting to the Committee, that he still retained his objections to the principle of the measure, which he would take occasion again to bring forward at a future stage of the Bill, which would be, he thought, a more fitting opportunity.

SIR J. PAKINGTON said, that it was a most unusual practice to discuss the principle of a Bill on the question that the Speaker do leave the chair; and he would not now detain the House longer than to advert to one remark of the hon. and gallant Gentleman the Member for Lincoln. That hon. Member asked what Mr. Pitt or Mr. Fox would have said to this Bill? Now, he was prepared with an answer, such as perhaps the hon. and gallant Member did not anticipate; he found that in 1809, a Bill was introduced by Mr. Curwen for the same object, and on similar principles as the one before the House.

the declaration, he had arrived at the conviction that it was absolutely necessary they should endeavour, at least, to make an experiment, and to try, by means of a new law, to reach in some degree the source of the mischief. The House had expressed itself, in the most sincere terms, anxious to repress bribery and corruption; but they had not followed the right course in their legislation. Their acts had not carried out their intentions. Undoubtedly Election Committees had been armed with very great powers for the purpose of investigating charges of bribery; but the House had regarded the detection and punishment of the offence much more than the prevention and repression of it. Having, then, signally failed in all their endeavours to prevent the evil, it was worthy of serious consideration whether the proposed declaration was not likely to strike at the very source of corruption. Some persons might feel their honour affected by being compelled to make the declaration at the table; but when it was considered that it was to be exacted from every Member, he thought a person must be peculiarly sensitive who, under such circumstances, could object to it. Was there anything in the declaration itself to deter any conscientious man from taking it, either at the hustings or at the table? It consisted of two parts. First, the candidate was to delare he had not—

> "by myself, or with my personal knowledge or consent, by any agent or person employed by me or acting on my behalf, by any gift, loan, or reward, or by any promise, agreement, bargain, or security for any gift, loan, or reward, procured or induced, or endeavoured to procure or induce, any person to give his vote for me, or to forbear giving his vote to any other person."

Could any person hesitate to make that declaration? [Sir G. GREY: I certainly should.] He hoped the right hon. Baronet would give his reasons for it. He (Sir F. Thesiger) could see no ground for not making a declaration of this kind; and, so far as he was concerned, he should not hesitate. The other part of the declaration was intended to prevent a practice which was too common at elections. In many cases a gentleman went down to a borough a stranger to the constituency, and he was compelled to employ the services of some person who possessed local knowledge. That person acted as his agent, conducted the whole proceedings, the candidate interfering no further than going round with his friends canvassing. When the Member had taken his seat, and the time for petitioning had expired, the agent sent in a bill, containing very considerable charges for the expenses of the election. As the law stood, it was quite impossible for a candidate to investigate the charges, or to inquire into their propriety; he was compelled to adopt them, and pay the amount. The rule, in fact, was, "All charges paid, and no questions asked." Now, if every candidate were obliged to make these declarations, every hon. Gentleman would wish to know what the charges were which his agent proposed to make, and unless there were such proper and legal charges as would enable him to subscribe the declaration, he would refuse to pay them; and, on the other hand, the agent would know that, as the law existed, it would be impossible for him to obtain payment of charges which would not be considered absolutely legal. As to the objection, that hon. Gentlemen would feel repugnance to the taking of the declaration, was there any one who could object to say that he would not pay any sums advanced, or perform any promise made by persons acting on his behalf, for the purpose of corrupting any voter, or inducing him to give his vote in his favour? Surely his noble Friend the Member for Hertford, if he carried such a doctrine to its full extent, should object to any oaths whatsoever being taken. He should object to the oath of allegiance, as an insult, also. He (Sir F. Thesiger) was not aware before that leaders of parties went such lengths as to be disposed to take upon themselves the cost of the election of candidates to support their views, and that the candidates themselves were such mere cyphers. But, in fact, all the cases put by his noble Friend were of such rare occurrence that it would be quite sufficient if words were inserted to meet those that were at all likely to occur. The declaration might be made more comprehensive; but surely it was no valid objection to its enactment, that it did not at once meet all the cases that could possibly be met with. There were certain cases, such as those where railroads through certain districts were contemplated, and where various local interests were concerned, which no declaration or oath that could be framed could reach. He did not mean to say, for he did not think, that these declarations would totally prevent all bribery at elections. If persons were morally corrupt, or were not disposed to obey the law, they would always find means to evade it. But, as all their legislation upon the subject had hitherto failed—as they had not as yet succeeded in reaching the source of corruption by their previous legislation—he thought they ought to try another experiment, which went at once to the fountain-head, and tried the consciences of the persons most deeply interested. They had hitherto directed their legislation chiefly against the voter; let them now try what could be done with the candidate. He hoped the Committee would accede to the principle of the declaration being enacted, and that they would try to make it, by such alterations as should be deemed expedient, as efficient as possible.

Sir G. GREY was bound to say, that after having listened with the utmost care and attention to the hon. and learned Gentleman the Member for Abingdon, and having considered the arguments which he had adduced, the objections which he had made to the second reading of the Bill remained still unshaken. He thought the enactment of such a measure would be a very dangerous step; and he entirely concurred in the views taken of it by his right hon. Friend the Member for Northampton, and the noble Viscount the Member for Hertford, and in their objections to the declaration. He objected, first, to the principle of any declaration at all; and, secondly, to a declaration on the grounds upon which the proposed declaration stood. He thought it was rather an extraordinary course to adopt to present a Bill to that House to do away with the oath to be administered to the voter, and to substitute a declaration to be made by the candidate. The hon. Member for Droitwich said that Mr. Speaker Abbott's opinion was in his favour; but he (Sir G. Grey) believed that Speaker Abbott thought that so long as they imposed oaths upon the voters, they should impose oaths against bribery upon the Members also. But this was a new proposition to do away with the bribery oath, as taken by the voter, and to substitute two declarations, one to be taken by the candidate at the hustings, the other by the successful Member upon taking his seat in that House. The hon. and learned Gentleman the Member for Abingdon also said there would not be the slightest difficulty, with any honest man, about taking the declaration, and that one of the consequences would be, that the candidates would scrutinise the charges of their election agents. But surely the hon. and learned Gentleman should remember that the declaration was not to be enacted for the righteous man, but for the unrighteous. The hon. and learned Gentleman assumed that, if hon. Members were honest and conscientious men, they would not hesitate to take the declaration. But he (Sir G. Grey) said, if they were such honest and conscientious men, they would not hesitate to abstain from bribery, and they would take the most effectual means for preventing their agents from doing anything that could be construed into bribery. But he believed that men honestly and sincerely desirous to abstain from bribery, might not be aware of the steps taken by their agents to secure their election; and they would hesitate about taking a declaration that they had done nothing either themselves or by their agents to obtain votes corruptly, when the discovery of any such acts upon a scrutiny before a Committee, after they had subscribed the declaration, would for ever incapacitate them from being elected again. He himself should certainly hesitate in making such a declaration; and he spoke of himself only as representing a class. He had had some experience in county elections. He did not believe the hon. Member for Droitwich had had much knowledge of the proceedings in county elections; but, from his own experience, he should say there was no use in blinking the question at all; it was almost the unanimous practice in counties to give tickets for refreshments, and he had known it adopted with a very safe conscience. The two committees of the candidates agreed, in order that no voter should have an advantage over another, that to parties coming a long distance tickets to the value of half-a-crown or three shillings should be given. Now he did not know how that might be considered by some hon. Gentlemen. It was a matter that would be viewed in different lights by different persons. Some would consider it a certain inducement to electors to come and give their votes; for, if the tickets were not given, the voters living at a distance would not come in to the polling-places, whilst for the candidate who gave them, the electors would come crowding to his poll. And the fair ground that existed for a difference of opinion upon that question was an illustration of the differences that might arise upon other subjects connected with it, and of how some men would regard the construction which they might put upon its meaning. Some of the most conscientious men might be prevented thereby from taking their seats. But he should also object to the Bill upon the ground of its total inefficacy. What was the most general species of corruption? Why, head-money. And he defied any hon. Gentleman to say what there was in that Bill to prevent any hon. Member from making the declaration, and then going from the House, and giving what was generally expected, and what was commonly called "the old thing." For the promise in the declaration was not to abstain from giving what it was the general expectation would be given, but only not to pay what was promised by agents for the purpose of corruptly obtaining votes. As to the declaration to be made in the first instance by the candidates, he saw nothing to prevent either of them, the moment a poll was demanded, from adopting such practices as he might think desirable. Neither could he agree in the opinion of the hon. and learned Gentleman the Member for Abingdon, that the declaration would be an inducement to hon. Gentlemen to examine their agents' bills. He believed that the result would be directly the contrary. He believed an hon. Gentleman would merely say to his agent, "Don't let me see what the expense is—don't let me know what you do. You will take the opinion of counsel upon the law of the case for your guidance, and in order that counsel may tell me whether the course I am pursuing is legal." As he said before, he thought such a Bill would lead to a great deal of prevarication and deception; and it would be easily evaded by those who wished to evade it; and, at all events, there would be still a good deal to be said upon many subjects involved in it. He thought the Bill, especially in that part relating to the declaration, was attempting to do that which was utterly impossible; and he did not think, with the hon and learned Gentleman the Member for Abingdon, that they had failed in putting a check upon bribery by their past legislation. He did not think their recent legislation had been wholly inoperative.

Sir J. PAKINGTON said, that this Bill had been supported by very high authority, and he was sanctioned by a recent majority in the House in his attempt to put a check to evils the magnitude of which no man could attempt to deny. His right hon. Friend the Home Secretary had thrown upon him a charge of inconsistency in proposing a declaration to be taken by Members, instead of the oath administered to electors. For that proposition, however, he had the high authority of Judge Blackstone, who said that the oath should be imposed upon the Member, rather than on the elector. He repeated, also, that he was sanctioned by the opinion of Mr. Speaker Abbott. Under what circumstances did they call upon an elector to take the bribery oath? He took the bribe offered him by the agent of the candidate at a time when it was very uncertain whether he would ever be called upon to take the bribery oath, and when no witness was present. At the last moment, before a crowd of his assembled neighbours he was called upon to swear that he had never taken any bribe. Why, it was almost vain to expect from a voter such an amount of moral courage as could enable him to undergo the ordeal of confessing his having taken the bribe. And the consequence was, that perjury was added to the bribery. Now, he thought that calling upon the candidate at the hustings, or at the table of the House, to sign such a declaration as he proposed, and making it perfectly certain that it would have to be signed, would be a very far preferable mode, and much better calculated to put a stop to corruption. His right hon. Friend said that laws were not made for righteous men. But surely it was on behalf of honest men that laws were made against the dishonest; and it was on behalf of the honest candidate that he called upon the House to pass that Bill. He had been told, in perfect confidence, by hon. Members, that if they had had such a declaration before them to sign, they would never have been obliged to submit to the charges which they had had to pay. If oaths and declarations were only for the dishonest, how could they manage with the present system? Had they not heard, during the debate upon the Jew Bill, enough to point out a parallel case? How did they keep out the infidel and the atheist from the House, but by the oaths that had to be taken by all? As to the objection of the right hon. Gentleman that hon. Members might pay head-money, after taking the declaration, because head-money was not distinctly set forth, he begged to remind him that the declaration was against bribery of every description, and by the Act 4 and 5 Victoria, c. 20, head-money was made distinctly bribery.

Sir G. GREY said, the difficulty would be to specify the thing done.

Sir J. PAKINGTON said, that, with

great respect for his right hon. Friend, it appeared to him that, according to the plainest form of language, the declaration was against bribery and corruption of all descriptions, and the Act of Parliament having made the giving of head-money bribery, it would be impossible for any man to think that it was not absolutely included. As to *boná fide* arrangements between candidates at county elections for the giving of tickets for half-a-crown or 3*s.* for refreshments to voters coming from long distances, he did not understand how it would be possible for any man to think for a moment that such tickets could come under the head of bribery, or obtaining votes by corrupt practices. His noble Friend the Member for Hertford had alluded to the declaration formerly made by officers of the Army. That—which had been given up for some time—was only a sort of private declaration in a letter to the Horse Guards; but the present proposition was for a public declaration at the table of the House of Commons. He had alluded before to all the cases that had been adduced against him; but he could not admit that it was any argument against his Bill, that, because there were difficulties in applying the test to all cases, the test should not be applied at all. Those frightful cases of corruption which he had stated before to the House, demanded the adoption of some stringent measure of prevention. He had mentioned one case that occurred at the general election of 1847, where 13,000*l.* had been expended in the direct purchase of votes; that, at the same election, in another county, 8,000*l.* had been similarly expended; and that in a third case, which occurred within his own knowledge, 7,000*l.* had been spent in the same manner. His hon. and learned Friend the Member for Abingdon had said, with great truth and justice, that our legislation hitherto had been only directed to the punishment of those found guilty of bribery. Was it not time that they should attempt to prevent its commission? He would repeat to the House what he had before stated, that the only way in which they could hope successfully to put an end to wholesale bribery, was by exciting in the minds of men who went down to stand as candidates at elections a feeling that their own honour, and their own characters, were involved in the result as to whether they sanctioned such corrupt procceedings or not.

Mr. HUME must confess that of late his mind had very much changed on the subject of bribery at elections, and he must acknowledge too that every attempt which they had hitherto made to put an end to it had failed. The very declaration which the hon. Baronet the Member for Droitwich now proposed, he (Mr. Hume) had himself proposed nearly two and twenty years ago; but now, after reflection and more experience, he feared that he could regard it in no other light than as a trap to catch the conscientious man who might himself be innocent, yet was involved by the acts of his agent. He entirely agreed that the time had come when some effectual measure ought to be tried, and he thought that he was in a position to mention to the Committee a complete and perfect cure. His remedy consisted of two parts: first, he recommended an extension of the suffrage; and, secondly, the vote by ballot. He ventured to say, after all the experience he had had, that those two things, very simple in themselves, and very reasonable, would prove to be a perfect cure. Hon. Gentlemen adopted the ballot system in the club-houses, and in their own affairs. Why should they not then extend it to voting for Members of Parliament? Besides, his opinion in favour of the ballot had been fortified by what had taken place in Europe within the last two years. Hitherto hon. Gentlemen had objected to the ballot, because they said that it had only been tried in one country—the United States. But now he had authority for saying that it had put an end to every thing like bribery and disturbance on the Continent, and that under it the great election in France had been most decorously and properly conducted. He said also, that the same result would follow its adoption in this country. All the riots, debauchery, bribery, and corruption which had disgraced our elections would be effectually put an end to, as they had been on the Continent, if they would but extend the suffrage, and allow the electors to vote by ballot. That was the remedy which he recommended, and he should now vote against the present Bill, although similar Bills he had formerly supported. ["Hear, hear!"] He admitted that his opinion had changed, but what was the good of experience if it did not mature the judgment?

Mr. VERNON SMITH wished to put upon record his solemn objection to the multiplication of declarations and oaths by Members of that House. The proposed declaration would, he was convinced, be found inefficient. It might easily be evaded, and would be merely regarded as so much waste paper by the immoral and irreligious man, while conscientious men might be deterred from taking it. He believed that many hon. Gentlemen who had originally supported the hon. Baronet were opposed to this Bill. The Members of his own Committee, that had been selected by himself, were now found abandoning him; and even the hon. Member for Kilmarnock, whose name was on the back of the Bill, was of opinion that there should be no declaration. Under these circumstances, he was determined to take the sense of the House on the clause.

Sir J. PAKINGTON begged entirely to deny the charge that the Committee had been selected from Members partial to the objects of the Bill. The Committee had been chosen in the most impartial manner.

Mr. NEWDEGATE said, that the hon. Baronet proposed to make an experimental declaration, and the opinion of the majority of the House evidently was, that the experiment would fail, and that the declaration would fall into contempt. He would wish to know how the hon. Baronet would meet this case, which was not an improbable one: a Member might be returned by the influence of an association that advanced money as loans to indigent electors, on the understanding that if these electors voted against the candidate of the association the loans would be called in, but not otherwise? The Bill would not meet such a case as that, while it was made criminal to give a voter coming from a great distance a refreshment ticket to the value of a few shillings.

Lord J. RUSSELL: Before the House goes to a division, I wish to state two points which induce me to give my vote against the clause now under consideration. I could not make up my mind to give a vote silently against this clause, because I thought I should be doing an injustice to the hon. Baronet the Member for Droitwich if I did not bear my humble testimony to the credit he deserves for the attention he has given to this subject, and the labour he has bestowed upon it. I would call the attention of the Committee to a declaration which the hon. Baronet proposes in the 8th Clause of his Bill, with respect to oaths taken by electors, where, having recited what the Acts of Parliament are, he says that "Whereas the oath of affirmation prescribed by the said recited Act has been found by experience to be ineffectual for the purposes aforesaid." I do not differ from the hon. Baronet in that respect, but I think the oath against bribery by an elector is far more effectual than any oath you can put to the candidate. Generally a voter has a full knowledge of the circumstances under which he voted. He has received or will receive a bribe for voting; therefore, he is conscientiously declaring the truth, or he is perjuring himself. So far there does not seem a difficulty in obtaining a correct declaration by the voter whether he is bribed, or expects to receive a bribe. You have found that ineffectual, and the hon. Baronet declares it is found to be ineffectual, and yet he proposes that which is far more difficult, namely, that the candidate who has not had a communication with a great number of voters, and who has trusted to agents, should make a declaration that no bribery has been committed on his behalf, and no promise or offer made. Therefore, having found that ineffectual which it is in the competency of a man to declare, you think to make that effectual which it is not competent for a man to know. The hon. Baronet himself says that the allowance for their expenses of county electors coming to vote, and the obtaining of some refreshment at the places of election, the small sum of half-a-crown, would not really amount to bribery. Others would think that a larger sum for a man travelling a greater distance, and who had been in the habit of receiving five or six shillings a day for his labour, would not amount to bribery. The voter would be tempted to go to the candidate who would give the largest sum. [Sir J. Pakington: It might be done by mutual agreement.] The hon. Baronet says that might be done by mutual agreement. Another man might think that what one candidate gave was insufficient, and they might agree to give a very lage sum, and in that way the candidate would be unable to say whether it came within the compasss of this declaration. You would have to rely upon one set of men being specially scrupulous, and refusing to take the oath for fear of its being interpreted into a false declaration; and another set, whose consciences were of a more robust nature, willing to take this oath on taking their seats in Parliament. The other point to which I would call the attention of the House, is the penalty you will inflict. When I considered the subject, it seemed impossible that an oath could be proposed without saying that any person who perjured himself, and acted contrary to the oath, should be unable to sit in Parliament. The hon. Baronet has fairly met that objection, and does disqualify the person who has committed bribery. But then consider what the consequences may be. I have an instance which occurred very recently, and which I shall not be afraid of mentioning, because I believe it is an instance of a gentleman who acted with perfect honesty on this subject. It is the instance of Mr. Strutt, who was found by a Committee to have been guilty of bribery. He assured me, as a man of integrity and honour, after the decision was come to, that nothing could have surprised him more than the evidence before the Committee. He had not the least idea that any bribery had been committed. He said this without finding any fault with the decision of the Committee. Now, Mr. Strutt, and a person in the situation of Mr. Strutt, on the first day of the meeting of Parliament, would come up to the table and take the oath and declaration, and do it conscientiously. It might afterwards be proved in a court of justice that bribery had been committed by the agents, and the penalty upon the man, who might be one of the most distinguished and one of the most able of your Members of Parliament, would be to be disqualified for ever. The hon. Baronet has met the objection fairly by putting in the disqualification, and I do not think it would be possible, after having imposed an oath, to inflict a less penalty; but it is a penalty so great, so severe, and, I must say, so undeserved, that I could not vote for this oath with the penalty attached.

Sir R. PEEL had often given his support to policy which had for its object the suppression of the offence of bribery; but he feared that the House had only been increasing the evil by taking delusive securities against it. Every effectual security they ought to have; but if they adopted delusive securities, they would be giving to the dishonest, to those who were inclined to disregard the obligations of an oath, a decided advantage. He most cordially joined with the noble Lord at the head of the Government, in giving the fullest credit to the motives and to the ability of the hon. promoter of the Bill; but he feared that much of it was not well adapted to further the end which they all had in view. In the early part of the discussion they had been talking of two classes of men. The right hon. Gentleman the Secretary of State for the Home Department observed, that laws were not intended for the control of the virtuous and the honest, but for the control and the punishment of those who were dishonest. Now, said his Friend, the promoter of the Bill, there was another class of men who wanted to have the aid of a declaration to be made at the table—many virtuous men who could not resist the temptations which were sometimes offered at elections. Suppose an agent to approach one of these men, and to say, "The true way for securing this election is by being liberal"—if in such a case, argued the hon. Baronet, you would allow the gentleman in question to say, "That there is a declaration which I must take at the table of the House, which alarms me, and I cannot, therefore, yield to this temptation," then—so reasoned the hon. Gentleman—you would be conferring a great public advantage, and promoting the cause of public morality. Why, what sort of a man was this supposed personage? He found a law prohibiting an offence, and he did not defer to it. On the contrary, he committed the offence notwithstanding; and it was now proposed to restrain him by the imposition of such a declaration as the one in question. He (Sir R. Peel) had no respect for this class of persons — persons who had not virtue enough to do what they believed to be right; and he was not content to legislate for them. But the fact was, that bribery prevailed in so many forms, that it was difficult to exclude it by a declaration. He had been reading the declaration now proposed, and he begged to ask its hon. promoter what he would do in a case of this kind? Suppose a solicitor—of course, a highly respectable solicitor — a solicitor having great influence in a small borough, with some 300 or 400 voters. He is the leading man—in fact, has great influence —and of course abhors bribery. Well, there are two candidates for this borough. To one of them comes the honest and respectable solicitor, and to him he says—"There are offices in the gift of the Crown —these offices are the objects of honourable competition. There is no bribery involved in taking one of them. Somebody must fill it. It is, or it ought to be, a reward for the virtuous and the intelligent—I have some influence here. I think myself qualified to fill one of the situations in question—nay, I believe you will do good service to the public by getting me appointed to it. Now, here are two of you candidates, both very intelligent and respectable men—I must vote for one—a great deal of interest will follow my vote, and it shall be given to whichever of you promises me a public situation of 500*l.* a year." Now, is this bribery? But the hon. candidate says—"I really do not see how I can reconcile my compliance with your request to the declaration which I shall have to make." "Oh," but, says the agent, "I shall soon settle that. A late Act, Sir John Pakington's Act, reduced the penalties for certain offences from 500*l.* to 100*l.* Now, one of these offences is that of taking any office or employment under the circumstances in which we now treat. Well, I am willing to stand the brunt of the penalty. But there is actually nothing in the Act which subjects you to any inconvenience for giving me the office; for although the words 'office or employment' are mentioned in the Act, they are omitted in the declaration which you will have to make. That only speaks of reward, and reward means of course pecuniary reward, and has nothing to do with an office or employment." [Sir J. PAKINGTON: Reward is mentioned in the declaration.] In the enacting part of the Bill, the words "office or employment" are added to that of "reward." The agent may well enough, therefore, persuade the candidate that he can make the declaration. But all these checks are, after all, delusive. They give an advantage to the dishonest above the honest man. Again, what will you do in the case of a man representing a county, where, without anything like corrupt motives, it has long been the practice to give 2*s.* or a 2*s.* 6*d.* ticket for refreshment to voters? Really there can be no corrupt motive in the majority of such cases; but at the same time the existence of such practices do give facilities and opportunities for bribery. Now, if a gentleman adheres to this custom, and is very scrupulous, he will find it difficult to make the declaration. Others who take a looser view of the matter, will find no difficulty in the affair at all. In fact, the result will be, in all probability, the exclusion of men of scrupulous feelings and strict sense of honour. On the whole, then, I am inclined to think that the course which this Bill contemplates, is more likely to encourage bribery than to put it down; and I therefore, giving full credit to the motives of its supporter, cannot undertake to support it.

MR. BROTHERTON would first ask the House whether they were really desirous of putting down bribery? He thought that where there was a will there was a way. It appeared to him that Gentlemen wished to continue the system of bribery, and yet retain a character for honour and purity. The hon. Member for Montrose had proposed the ballot as an effectual check to bribery, but that measure the House would not adopt. He certainly admitted that it was difficult to make men honest by Act of Parliament. If they were determined to break the law, they would find means of evading any enactment; but the declaration proposed in the present Bill, appeared to him to be one means which would have a beneficial influence, both with regard to the candidate and the electors. Constituencies got it into their head that the candidates had some particular interest in being elected, and that the voters did them a service by sending them to Parliament. Now he wanted the electors to understand that it was the interest of the voters to have good representatives, who, if they did their duty, imposed on themselves a great deal of labour and expense. An hon. Member said that this Bill was calculated only to catch the scrupulous, and let the unscrupulous go free. He did not think it could have that effect. Although not a perfect measure it was in the right direction. He knew a Member for a small borough who said to him, "I can truly say that I have committed no bribery, and yet my election cost me 4,000*l.*" He (Mr. Brotherton) wanted the country to believe that the House of Commons were desirous of putting down bribery. If that was their desire, let them exhibit it by passing this Bill. If they did not approve of this measure, had they any other to propose? If one measure could not be adopted, let another be substituted. But, at all events, let them show the country that they were determined to put an end to the evil. He had not changed his opinions on the subject, and, believing this to be a move in the right direction, he should give it his cordial support.

MR. SHARMAN CRAWFORD maintained that the declaration should be imposed on the candidate, and that it was most cruel to impose it on the poor voter; and gave cordial support to the principle of the Bill in requiring a declaration.

MR. AGLIONBY said, that he had formerly stated that this Bill would be inoperative, and that only the ballot and extension of the suffrage would produce the intended effect; but if the Bill did not answer fully, he believed it would answer partially, and he would vote for it to get what he could.

SIR J. PAKINGTON replied: After the opinions which had been expressed by the noble Lord the First Minister of the Crown and the right hon. Baronet the Member for Tamworth, he thought it very unlikely that the Bill, in its present form, would become the law of the land; and, therefore, he left it entirely with those who supported the declaration to say whether they would put the House to the trouble of dividing. He was willing to take what course was thought desirable by those who supported the views which he entertained.

MR. BROTHERTON wished a division to take place.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 54; Noes 146: Majority 92.

List of the AYES.

Adair, R. A. S.
Aglionby, H.
Armstrong, R. B.
Ashley, Lord
Barrington, Visct.
Bass, M. T.
Blandford, Marq. of
Carew, W. H. P.
Clay, Sir W.
Clifford, H. M.
Cockburn, A. J. E.
Crawford, W. S.
Crowder, R. B.
Currie, H.
Davie, Sir H. R. F.
Drumlanrig, Visct.
Duff, G. S.
Duncan, G.
Duncuft, J.
Ellice, E.
Evans, J.
Fergus, J.
Grattan, H.
Greenall, G.
Greene, J.
Hardcastle, J. A.
Harris, R.
Henry, A.
Heyworth, L.
Hindley, C.
Keating, R.
Kershaw, J.
Lawless, hon. C.
Lushington, C.
Mullings, J. R.
O'Brien, T.
O'Flaherty, A.
Palmer, R.
Pechell, Capt.
Pilkington, J.
Plumptre, J. P.
Slaney, R. A.
Smith, J. B.
Somers, J. P.
Stanton, W. H.
Stuart, Lord J.
Talfourd, Serj.
Thicknesse, R. A.
Thornely, T.
Tollemache, hon. F. J.
Tollemache, J.
Walmsley, Sir J.
Wawn, J. T.
Wood, W. P.

TELLERS.
Pakington, Sir J.
Brotherton, J.

List of the NOES.

Adderley, C. B.
Alexander, N.
Arkwright, G.
Armstrong, Sir A.
Bailey, J.
Bennet, P.
Bentinck, Lord H.
Berkeley, C. L. G.
Blair, S.
Blakemore, R.
Bourke, R. S.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bremridge, R.
Bromley, R.
Brooke, Lord
Bruce, C. L. C.
Buller, Sir J. Y.
Bunbury, E. H.
Campbell, hon. W. F.
Chaplin, W. J.
Charteris, hon. F.
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Clerk, rt. hon. Sir G.
Codrington, Sir W.
Cole, hon. H. A.
Colebrooke, Sir T. E.
Coles, H. B.
Compton, H. C.
Craig, W. G.
Cubitt, W.
Dalrymple, Capt.
Davies, D. A. S.
Denison, E.
D'Eyncourt, rt. hn. C. T.
Drummond, H.
Drummond, H. H.
Duckworth, Sir J. B.
Duff, J.
Dundas, Sir D.
Dundas, G.
Dunne, F. P.
Egerton, W. T.
Estcourt, J. B. B.
Ewart, W.
Farrer, J.
FitzPatrick, rt. hn. J. W.
Fitzroy, hon. H.
Fordyce, A. D.
Forester, hon. G. C. W.
Fuller, A. E.
Gaskell, J. M.
Goddard, A. L.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grogan, E.
Gwyn, H.
Halsey, T. P.
Hamilton, G. A.
Hanmer, Sir J.
Hastie, A.
Hastie, A.
Headlam, T. E.
Heald, J.
Henley, J. W.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hood, Sir A.
Hope, Sir J.
Hornby, J.
Howard, Lord E.
Hume, J.
Jocelyn, Visct.
Johnstone, Sir J.
Keogh, W.
King, hon. P. J. L.
Knox, Col.
Labouchere, rt. hon. H.
Lacy, H. C.
Law, hon. C. E.
Lennox, Lord H. G.
Lewis, G. C.
Lewisham, Visct.
Lindsay, hon. Col.
Locke, J.
Lockhart, A. E.
Lockhart, W.
Mackenzie, W. F.
Mackinnon, W. A.
M'Gregor, J.
Maitland, T.
Matheson, A.
Matheson, J.
Maule, rt. hon. F.
Melgund, Visct.
Miles, W.
Monsell, W.
Moody, C. A.
Mostyn, hon. E. M. L.
Mundy, W.
Newdegate, C. N.
Ogle, S. C. H.
Ord, W.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Patten, J. W.
Peel, rt. hon. Sir R.
Portal, M.
Power, N.
Price, Sir R.
Pugh, D.
Renton, J. C.
Repton, G. W. J.
Reynolds, J.
Russell, Lord J.
Rutherfurd, A.
Salwey, Col.
Sandars, G.
Scott, hon. F.
Sibthorp, Col.
Smollett, A.
Stafford, A.
Stanley, hon. E. H.
Stansfield, W. R. C.
Sturt, H. G.
Sutton, J. H. M.
Tancred, H. W.
Thompson, Col.
Towneley, J.
Trollope, Sir J.
Turner, G. J.
Tyrell, Sir J. T.
Verner, Sir W.
Vyse, R. H. R. H.
Wall, C. B.
Willyams, H.
Williamson, Sir H.
Wilson, M.
Wodehouse, E.

TELLERS.
Mahon, Visct.
Smith, V.

SIR J. PAKINGTON moved that the Committee report progress. There were several clauses of the Bill so connected with that which had just been rejected, that he would require some time to consider the future course to be taken with the Bill.

Committee report progress; to sit again on Wednesday 9th May.

SUNDAY TRAVELLING ON RAILWAYS.

Order for Second Reading read.

MR. LOCKE rose to move that the Bill be now read a second time. He felt that in ordinary circumstances he might have placed the Bill on the table, and appealed to the common sense of the House in support of it, as a measure that simply proposed to attach a few passenger carriages to the mail trains that were already running on Sundays under the authority of the law; but the character of the opposition, as evinced by the petitions laid on the table, was such as to induce him to offer a few observations in reference to the objections urged to Sunday travelling. The House would bear in mind that it was not contemplated by the Bill to enforce the running of any additional trains whatever, but only to oblige railway companies to attach passenger carriages to those trains they were already compelled to run for Post Office services. By the Act 1 and 2 Vic. c. 91, the Postmaster General was authorised, on any day, and at any hour, to require railways to carry mail trains; there were companies that had voluntarily attached passenger carriages on Sundays to those trains, and even increased the number of trains; whilst, on the other hand, there were companies that refused to attach such passenger carriages, and there were others again who, not having been required to carry the mails, had closed their railways altogether on Sundays. This want of uniformity had led to serious inconveniences; and as he was persuaded Parliament never intended to permit railway companies to determine on what days they might altogether prevent the public from availing themselves of railway communication, he had felt it to be his duty to bring the subject before the House. The cases of individual hardship and annoyance were numerous; but he would only refer to a few. One of them was already too well known to the House and the country—the melancholy case of the Duchess of Sutherland. That noble lady posted on Sunday morning to Perth, having despatched a messenger the day before to secure a place in the mail train for Carlisle, near which her parent was lying dangerously ill. The regulations of the company did not admit the public to travel on Sunday; and, notwithstanding the entreaties of this afflicted lady, she was refused a place, the train was despatched without her, and she was left in the deepest distress weeping on the platform. The Duchess was compelled to proceed through Fife, sending messengers to order post-horses and to prepare a special steam-ferry, in order to reach Edinburgh and arrive at some other railway where less stringent rules were adopted. He would add nothing to this recital. The Sabbath Alliance had its triumph; but he regretted that their victim should have been a woman in the discharge of a duty so sacred as ought to have secured for her universal sympathy. On the same day a gentleman who had posted a long distance, from the Highlands, was disappointed in not getting the evening mail, though he had most important business in London. At the time of the October tryste at Falkirk, a number of cattledealers arrived from the south by the Caledonian Railway at Greenhill, the junction with the Scottish Central, and they were obliged to turn out and find their way through the moors as they best could. This was precisely what happened to all persons going north on Sunday, excepting those who, by means of a bribe, seduced the company's servants to allow them to ride in the guard's van. This, he was informed, had been often done, and he mentioned it to show the consequences of attempting to impose unreasonable restrictions on the fair and ordinary requirements of life. There was another case of an eminent medical practitioner in Glasgow, which he thought it right to read to the House:—

> "Late on a Saturday night, two or three years ago, I was taken by a special train to Morningside, to see a lady who had been hurt by the overturning of a carriage. In returning, the engine-driver stopped on reaching Holytown, and said he could go no further, as it was now Sunday morning, and it was contrary to the rules of the Garnkirk line to travel on Sunday. At Holytown I found that no post-horses were kept since the opening of the railway, and it was only after some delay and difficulty that I succeeded in getting a person to convey me to Glasgow in a gig. On another occasion I was taken to Ayr on Saturday afternoon, when, after my visit was made, I found I was too late for the last train; I had, therefore, the pleasing alternative of either remaining till Monday or posting back to Glasgow. On a third occasion, I was visiting a gentleman who had typhus fever, near Greenock, and was seeing him every day. When I saw him as usual on a Saturday, his friends regretted that I could not possibly visit him on Sunday, both the river and the railway being closed on that day, but requested that I would visit him by the first

> train on Monday morning, which I accordingly proceeded to do, but found, on my arrival at Greenock, that he had died on the Sunday forenoon. An intimation had of course been sent me by post, but was not delivered till after the starting of the train by which I left for Greenock."

The next case was that of an hon. Member of that House, who posted last Sunday to Dumfries, in the expectation of getting a train to bring him to town, to enable him to vote in the House on Monday evening. On reaching Dumfries he found that no train left on Sunday, and he had to hire a carriage to reach the Caledonian line at the nearest point. The postilion who drove the hon. Member said he hoped he was going to oppose this wicked Bill, that would enforce railway travelling on Sunday, and on his being asked why he wished so, his reply was that "Sunday was the only day on which they had any work at all." He trusted the hon. Member, who was a Scotchman, would give him the benefit of his vote on this occasion. He had adduced evidence enough to show the hardship and inconvenience now experienced by the want of railway accommodation on Sunday; and he would now show that that accomodation could properly be given. Every line on which mail trains were run, required as much superintendence as if passenger carriages were attached. Every gatekeeper, pointsman, policeman, or switchman must be in attendance on a train whether it contained passengers or not, and the locomotive superintendence was equally essential. The agents at the stations, and who generally resided there, must attend personally or by deputy to see that the mail trains were regularly despatched, and these persons could deliver their tickets to passengers, so that few, if any more, persons would be required to attend to a passenger train, than was requisite for the mail trains now running. In order to inform the House thoroughly on this point, he would give a statement of the actual number of men employed on the Caledonian Railway, distinguishing the number employed for the special service of the Post Office, and those required for the mail and passengers together. There were 32 station agents required for the Post-office accommodation; and 42 for passenger accommodation; but, in respect of guards, engineers, firemen, cleaners, and watchmen, the numbers required in either case were the same—so that the addition required for passengers amounted only to 10 men. But he was not content to rest the question on that ground. Mail-coaches, ferries, post-horses, &c., with their train of attendants, had always been employed in Scotland on Sunday, and with a greater amount of manual labour than was now required for railway travelling; and on what principle, then, should the accommodation that Scotland had hitherto enjoyed be taken away? It was very easy to raise a clamour and denounce those who thought as he did as Sabbath desecraters; but let those who made those charges look around them at home, and see the number of private carriages and hackney cabs engaged every Sunday, and which yet excited no observation whatever. He took the liberty of counting on Easter Sunday the number of carriages and cabs that were attending four kirks or meeting-houses in Lothian-road, Edinburgh; and there were 31 private carriages, 13 one-horse carriages, and 149 public cabs, making a total of 193 vehicles, whilst, the same day, five cabs only were required for the Caledonian train, on its arrival from the south. Why were these glaring inconsistencies overlooked? Was the end to justify the means, or were these rigid sticklers of conscience disposed—

> "To excuse those sins they are inclined to,
> By damning those they have no mind to?"

It would not be difficult to show that there was a greater amount of labour so employed, by tenfold, than was required to work all the lines that Scotland possessed. With great respect for railway companies, he must say that he thought the public right to travel at reasonable times should be placed in other hands than theirs. The very want of uniformity among them showed the necessity of this; but there were other reasons, and he would state one of them to the House. A circular, signed by Mr. Alexander Campbell, of Monzie, and Mr. G. F. Barbour, containing the following passage, had been circulated in relation to the Scottish Central Railway:—

> "There is every probability that a proposal will shortly be made to run mail trains, with passengers, on the Lord's day; and, in order to meet this, and to meet the existing arrangements, whereby there has been no travelling on the line on the Sabbath since it was opened, the friends of the cause would require to redouble their exertions. We would, therefore, particularly request of you to purchase shares in the company, and to use your influence with other supporters of the Sabbath to do the same without loss of time. The stock is at present very low—(23*l.* per share of 25*l.*), and therefore offers considerable inducement as an investment, there being every prospect, according to the statement made at the last meet-

ing, of the arrangement being sanctioned which has been completed with the four companies—the London and North-Western, Lancaster and Carlisle, Caledonian, and Edinburgh and Glasgow—securing a guaranteed dividend of 7 per cent, or 35*s.* per share. 10 shares give 10 votes, and 60 shares 20 votes."

It might be as well to state to those people who were induced, for a religious purpose, to embark their money in this way, that they would receive guaranteed dividends from lines now running railway trains on Sunday. After the Edinburgh and Glasgow Railway was opened, the directors established morning and evening Sunday trains, and, during four years, they accommodated weekly 1,000 persons. The proprietors becoming dissatisfied with the general management, a new set of directors was called for, but it was found that this could not be effected without a union with the Sabbath Alliance party. Accordingly, the union was effected. New directors came in, who closed the railway on Sunday. And thus the Sabbath party, though a small fraction of the entire proprietary, succeeded in their object, and those who obtained power had managed to reduce the dividends below what they were before. He was most unwilling to enter into a theological discussion on the merits of this question; and would only say, that he was not satisfied with the perpetual and exclusive reference made to the Jewish law in favour of the rigid mode of observing the Sabbath insisted on by those who opposed the Bill, for, by the authority of that law, Christ himself was declared a Sabbath-breaker. He (Mr. Locke) believed that rigid observance was not sustained by the early fathers of the Christian Church, nor by Luther, Melancthon, Taylor, Calvin, or Paley. There was another mode of viewing this subject, which was whether this extreme rigour in the observance of the Sabbath really accomplished the object of the Sabbath institution. It was said that education was more generally diffused among the poorer classes of Scotland than of any other country, yet a comparison of the statistical amount of crime as between Scotland and England did not bear out the expectations which might have been formed by the higher state of education in Scotland. On referring to the returns of the year 1846, he found that the convictions in England and Wales were 1 in 876 against 1 in 848 in Scotland, while in 1847 the proportions were in England 1 in 738, and in Scotland 1 in 737. If they compared the three largest counties in England with the three largest in Scotland, in which the great masses of the people were found, the result was that in the Scotch counties the convictions were, in 1846, 1 in 602, and in the English counties 1 in 692; in 1847, 1 in 518, in the Scotch, and 1 in 598 in the English counties. The average of the two years made a difference of 14 per cent in favour of the population of England. If the House looked to the consumption of ardent spirits in Scotland, they would find a much greater proportionate use of spirits than in England; the average consumption in England being 0.72 gallons for each person, and in Scotland 2.32 gallons. It was perfectly true that the consumption of malt by brewers in England was greater than in Scotland; but the fact remained, that in the larger cities of Scotland a state of demoralisation and crime existed which was not to be met with in the larger towns of England. Mr. Miller, inspector of prisons, in the twelfth report on prisons, stated that one great cause of the vice and crime of Glasgow was the want of national amusements and recreation as a substitute for the corrupting and demoralising influence of a large town. Mr. Sheriff Alison stated before the Combination Committee of the House of Commons that 80,000 of the working population of Glasgow never went to church, and that 10,000 persons went to bed drunk every Saturday night. He thanked the House for the attention with which they had heard him on this his first occasion of addressing them. He felt that this Bill was called for by those who wished to put an end to the disagreeable and vexatious discussion of the question—that its principle was sanctioned by the highest Christian authorities—that it was called for by public convenience and necessity, and by the vast mass of hardworking men such as filled the city of Glasgow, and who wished, after working for six days in the week, to be permitted to visit their native homes, and to spend the Sabbath in the bosoms of their families or by the firesides of their relatives and friends. Such facilities as those which he proposed to give those parties would teach them those higher and nobler feelings which were inspired by the contemplation of the beautiful mountains and mighty landmarks of their native soil, and would lead them in that contemplation to

> "Look from Nature up to Nature's God."

The hon. Member concluded by moving the second reading of his Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. COWAN wished to know whether it was the intention of the hon. Member, if this Bill should go into Committee, to restrain any of the trains from running which at present run upon Sundays?

Mr. LOCKE said, that when the Bill reached the Committee, he should be perfectly satisfied with whatever mode the Committee might think fit to deal with it. The Bill did not propose to touch the question of the number of railway trains at all: that was left in the hands of the Postmaster-General; all that was sought was, that to whatever trains which might be ordered to be run by him upon Sundays, passenger carriages might be attached.

Mr. COWAN said, that it was a well-known saying of Prince Talleyrand, "that language was given to man to disguise his thoughts." He did not know whether the hon. Member who had brought forward this measure, concurred in that opinion. With respect to the present Bill, he certainly should not have thought, judging from its title, that its object was that stated by the hon. Member. He thought that the object of the Bill was to limit the number of trains run upon Sundays. The title of the Bill was a complete misnomer. He felt certain that a more obnoxious measure than that of the hon. Gentleman could not be introduced to the notice of the House. If the Bill were passed, they would be obliged to go a great deal further, and take measures for ensuring the attendance of post-chaises and omnibuses at the various stations along the line. The case of the Duchess of Sutherland had been referred to, and a great deal more had been made of it than was necessary. He would state to the House an explanation of that transaction. It appeared that a rule had been established not to start trains on Sundays, and therefore it was impossible to comply with her Grace's wishes; but she might have availed herself of the facilities which would have been afforded to her for travelling on the previous Saturday. He believed there were 50,000 persons employed on railways, and if they did not give them a day of rest, they could not expect to get the *élite* of servants on the railways who would perform effectively the important duty of attending to the safety of the passengers. He begged to call the attention of the House to the report of a Select Committee on the observance of the Sabbath, appointed in the year 1832—a report that was entitled to great weight from the House. It recommended a general revision of the law for the regulation of the Sabbath, stating that Sunday labour was generally considered a degradation; that the allowance of the seventh day for rest was the just right of the subject; and as such was considered by a large portion of the working classes. It appeared that efforts had been in Manchester to place the clerks in the post-office on the same footing with the clerks of the London post-office; and that a petition in support of that project was signed by 11,000 persons. It appeared that petitions had been adopted in Liverpool, Bath, and other places, to the same effect. He implored of the House not to legislate on this question in direct opposition to the wishes of the people. He thanked the House for the attention with which they had heard him, and begged to move that the Bill be read a second time this day six months."

Mr. M'GREGOR seconded the Amendment. He said that if he opposed the Bill it was because he knew it to be inimical to the religious convictions and general sentiments of the people of Scotland. It was contrary to all their traditional and social views. He would not enter into the religious aspect of the question, believing that that ought to be left to the people of Scotland themselves; but this he would say, that the observance of the Sabbath and the religion of Scotland had formed at all times a part of the education of the Scotch population, and that the House ought to hesitate before they passed a Bill which would cause religious strife in that country. Though the people of Scotland might be called bigoted and intolerant, he was quite willing to leave the question under debate to be determined by their reason and good sense; and, under these circumstances, he would oppose the second reading.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. LABOUCHERE said, that whatever decision the House might be disposed to come to on this question, it was due to the strong feeling which the question itself had originated amongst large and respectable classes of the community, not in Scotland alone, but in this country also, that a debate upon such a subject should be listened to with attention, and that the

Scotch Members should be afforded a full opportunity of stating their sentiments upon it. Although from his own connexion with the railway department, he felt that he ought not to give a silent vote, yet he desired to tell the House that in any sentiments he expressed he was speaking for himself, and that he did not wish to be understood as speaking for any other Member of the Government. It was not without considerable doubt and hesitation that he had made up his mind as to the vote he should give on this question. In the first place, he must claim for the House the full right to legislate upon the subject. He could not agree with a Gentleman, whose opinions were entitled to great weight—he meant the right hon. Member for Bute—who stated on a former occasion that a Bill of this kind was an invasion upon private property and the vested rights of railway companies. When he (Mr. Labouchere) considered that railway companies possessed a practical monopoly, he claimed for the House of Commons, upon fit and suitable grounds, the right to deal with the subject. But there were other considerations which he confessed weighed much with him in deciding this question. He had to weigh in different scales the amount and degree of public inconvenience caused by the partial closing of railways on Sunday that existed in a few, and a few only, of the railways in Scotland, and that did not exist in any railway of England or of Ireland—he had to balance the practical inconvenience of that state of things with an evil which he was sure was not inconsiderable, and was well worthy of consideration, he meant the shock the passing of this Bill would give, whether right or wrong, to the conscientious feelings of a large class of the people of Scotland. He did not say a majority of that people, but he would say a class, in number, in character, and in respectability which deserved the consideration of the House. He believed, from the petitions presented and from the communications he had received from Scotland, that these feelings so entertained, and that not lightly and inconsiderately, but deeply, by a large number of the people of that country, were entitled, for all the reasons he had mentioned, to respectful consideration. And, upon the whole, he had come to the conclusion that this interference at present would be impolitic and unadvisable upon the part of the House; and as he was constrained to give a vote, he must give it against the second reading. If the objects his hon. Friend the Member for Honiton had stated as being very beneficial to the public, from not altogether closing railways on Sunday, were really sought to be attained, the Bill went in truth but a very little way towards accomplishing what was intended. He (Mr. Labouchere) agreed with his hon. Friend in thinking that there would be a great advantage in giving to the working population of the great towns the opportunity, after divine service, of enjoying recreation and fresh air; but the Bill of his hon. Friend would not at all attain that object. That would depend upon the time the railway train might leave the large towns. That might be an inconvenient time; but, supposing it to be convenient, there was no provision in the Bill to bring the people back again after they had once been taken out of the town. They went, and there they were left. He admitted that to a certain degree it would meet the objection his hon. Friend had stated, as to the inconveniences of Sunday restrictions, if the parties wanted to travel on business of urgency; but even that, in many cases, could be met by means of special trains instead of mail trains. Third-class trains had not been alluded to in the Bill. His hon. Friend proposed that only first and second-class carriages should be attached to the mail tenders; but surely the House would agree that if first and second-class carriages were to be conveyed, it was but justice that the third-class should also be attached. [Mr. LOCKE: So they are by law.] His hon. Friend said, so they were by law. It was true that in the Bill introduced by the right hon. Member for the University of Oxford, there was a provision that any trains carrying passengers on Sundays should be obliged to carry third-class passengers at a very low fare; but he was given to understand that there was some doubt whether that would apply to the Bill of the hon. Member for Honiton, without some further and special provision. At all events, his opinion was, that if the present Bill passed, third-class passengers ought to be carried; and if a defect of this kind existed, of course it would be easy to remedy it in Committee. But there still remained the objection that these third-class passengers would in all probability be carried at times the most inconvenient to themselves. It was quite haphazard work as to what time the mail train would leave any large town, and therefore it was absurd to say that the Bill was calculated to promote the advantage of third-class passengers. He believed that a majority of railways, both in point of number of companies and mileage in Scotland, did allow passengers to be carried on Sundays. He rejoiced that that was the case. If he were a railway proprietor in Scotland, his vote would be given, under proper restrictions, to allow them to be carried on Sundays. He believed that the proportion of railways which allowed it were increasing. He believed the House had better leave the question to the progress of public opinion, than run the risk by this forcible interference of setting that public opinion against them; and this, as he stated before, was the feeling of a large class of the community of Scotland and England. Under these circumstances his vote would be given against the second reading of the Bill.

Mr. PLUMPTRE would oppose this Bill, because it sought to introduce an altogether new feature into our legislation—it wished to oblige the parties to break a law which they had no inclination to do. When he and his late lamented friend Sir Andrew Agnew wished to establish certain regulations respecting the Sabbath, they were told that they sought to make the people religious by Act of Parliament, when their object, in fact, was only to give the people the Sabbath as a day of rest, and allow them to avail themselves of that privilege in the manner they chose. But the present Bill was really an attempt to make the people irreligious by Act of Parliament. Therefore, he would oppose it as far as he could. It was a most obnoxious measure generally, and particularly so when he considered that it would be doing violence to the feelings of the people of Scotland, in their just and most conscientious respect for the Sabbath-day. He trusted the good sense and good feelings of the House would resist the further progress of this Bill, and not infringe upon the religious liberties of the people, by making men do what they believed to be wrong.

Mr. HUME, as a representative of Scotland, was bound to state that he had presented petitions from his constituents with regard to this Bill; ten or twelve of these petitions being against, and, he thought, three of them in favour of the measure. But, with every desire to pay attention to the wishes of those whom he represented, he felt he had to consider what was necessary and fit for the community at large for whom they had to legislate; and this was a Bill not for Scotland alone, but for England and Ireland also. The hon. Gentleman the Member for Honiton, who had introduced the measure, had supported it by arguments and facts that could not be controverted, and nobody who had spoken yet had attempted to grapple with them. He (Mr. Hume) was as anxious as any one could be to maintain the proper observance of the Sabbath, which he held to be a day more important to the working classes than to any other section of the public, and on that account he considered the present state of the law most unsatisfactory. It was asserted that the railway establishments were private property, and ought to be allowed to be shut up or opened, just as the directors pleased; but he totally repudiated and denied that principle altogether. Parliament, by its enactments, had taken away the means that formerly existed for communication between different parts of the country; and what were the ordinary words always used in the preambles and applications for Railway Bills? Here was a specimen: "Whereas additional means of communication with Edinburgh, Glasgow, and adjacent parts, have become necessary, and, therefore, it is prayed that the House do grant powers and facilities" for that purpose. No one would have sanctioned these Bills and their preambles if it had been thought that, instead of "providing additional facilities" for the public, what really was sought was the power of taking away all facilities of public communication at the arbitrary decree of any body of directors. He was surprised at the view which the right hon. Gentleman the President of the Board of Trade, as a Minister of the Crown, had thought proper to take. He hoped he would have shown himself more alive to the interests of the community at large. All the compulsion involved in this Bill was, the addition of one or two carriages to the mail train, and nothing more. It should be remembered that the railways would prevent the use of labour to men and horses to a large amount on a Sunday, and that when the trains were stopped on that day, a return to the old system of conveyance was resorted to; so that the Sabbath was not any the more respected in consequence of the railways being closed. His hon. Friend the Member for Honiton had shown that in one case 140 persons were now employed in conducting the trains for carrying the post on Sundays, and that this Bill would only cause an addition of ten more individuals to the 140, and these ten persons would be the means of enabling 1,000 passengers to travel backwards and forwards to suit their convenience. The morality among the lower orders in Glasgow was worse than in any other part of Great Britain, and those who sought to promote religion among them often adopted the very best means for thwarting and defeating their own object. He would ask any one who had read the reports containing the evidence of Mr. Hill, and others, what it was that made the humbler classes in Scotland more immoral and irreligious than the corresponding population in England? It was the mistaken mode in which many persons in that country sought to effect an object laudable in itself, by imposing vicious rules and restrictions that tended to deteriorate, instead of to improve, the habits of the people. He would cordially support this Bill, because he thought the additional accommodation it sought to afford the public, ought to have been one of the conditions insisted upon by Parliament, before it granted any Railway Act.

Mr. HEALD had listened with regret to some of the sentiments of the right hon. Gentleman the President of the Board of Trade, who seemed to think that the duties of the Sabbath began and ended by going to church, and that after leaving it a man should go out on a pleasure-trip, by railway or steamboat, to enjoy himself for the rest of the day. That was a principle utterly at variance with the divine law, which required a man to make his pleasures subordinate to higher principles. The spirit of the Sabbath ought to pervade the whole day, and dominate over every other consideration; else what was the use of those holding high stations and authority setting the people the example of offering their homage to the Divine Being, and erecting churches and chapels throughout the country, to meet the spiritual wants of the population? This Bill was an attempt to coerce conscience, and not allow the people of Scotland—whose feelings did them the greatest honour, and were such as a Parliament ought to do all it could to foster and cherish, instead of to discourage and destroy—to act up to their convictions and their sense of duty as regarded the due observance of the Lord's day. The recent prize essays on the Sabbath, written by the labouring population of Scotland, showed, in an admirable manner, the general feeling of the working men in that country with regard to that sacred day; and he implored the House not to plunge Scotland in the awful position of having the gentlemen who conducted its railway concerns compelled, against their own sense of religious duty, to open the railways on the Lord's day. For these reasons he would cordially support the Amendment.

Mr. B. COCHRANE remarked, that the author of one of the prize essays on the Sabbath, alluded to by the hon. Member for Stockport, had himself declared that his own health had been injured, and his constitution enfeebled, from the want of proper recreation and open-air exercise. As to the assertion that this Bill sought to coerce, it seemed to him that the coercion was all on the other side.

Mr. PETO would not yield to any man in his respect for the Sabbath; but they were dealing with this question upon public grounds, and in all cases where railways were involved, in testing the right of the public to use them, they could only be viewed as the public communication of the country. It signified not that they were constructed by private capital—the shareholders stood simply in the position of persons receiving their income from the tolls for running carriages; and it fell within the exclusive province of that House to consider what was necessary for the public good as regarded railways. It was necessary for all works of mercy and necessity that communication should exist throughout the country on Sabbath as well as on all other days, and this Bill, instead of increasing, would actually lessen the labour of the working men; for at present special trains were run on the lines that were closed on the Sabbath, and the special trains required more attendants and workmen than it would be necessary to employ if a few carriages were merely added to the mail trains—which now run on Sundays at any rate—as recommended by this Bill. He would support this Bill, as an independent Member who thought it would promote the good of the whole community, without interfering with any private right.

Mr. FORBES M'KENZIE concurred in the sentiments so ably expressed by the right hon. Gentleman the President of the Board of Trade, who had set the question of the necessity for opening these railways in Scotland on Sundays entirely at rest, by stating, upon his own official experience, that no such necessity really existed. He (Mr. M'Kenzie) would not occupy the time of the House, but merely express his determination to support the Amendment, believing that the Bill would cause a shock to the deep and sincere religious feelings of the people of Scotland.

MR. F. MAULE could not refrain from expressing his opinion upon the question before the House, and had no hesitation in avowing his intention to oppose the Bill, on the ground that it was obnoxious to the best feelings of the great majority of his fellow-countrymen, and if carried would tend to extinguish those sentiments which he respected more than any other trait in the Scottish character, and which he would do his utmost, so long as he had a voice in Parliament, to encourage and maintain. But he believed the Bill to be absolutely necessary. It professed to be general in its objects—but it was not wanted either in England or Ireland. In the majority of railways in England, and even in Scotland, it was quite unnecessary; and, therefore, on the present occasion, for the purpose of merely meeting a few cases, the feelings of the people of Scotland were to be set at nought and outraged, because on some few railways the mail trains now ran without any passenger carriages being attached. Petitions, signed by 30,000 persons, had been presented against the measure, and not one petition in its favour; and other petitions, as numerously signed, had previously been laid before the House. Therefore he implored the House to pause before it violated the reverential feelings of the people of Scotland in favour of the Lord's day, when so slight a necessity, or rather no necessity at all, called for such a proceeding. The hon. Gentleman the Member for Honiton, in supporting the Bill, said, he only wished to attach a few passenger carriages to the mail trains. Now this Bill compelled railway directors and proprietors, under a penalty of 200*l.*, to convey along the line of railway, to such a point as they required, all persons choosing to present themselves at the station on Sunday at the time when the mail train was about to depart. Now, he thought this provision very injurious. First, they must carry all classes in the train; next, the carriages could only be attached to the mail train, and therefore it would turn the mail train—which ought, above all others, to be conducted in the manner most adapted to ensure expedition and safety—into one of that class of trains which did more to demoralise the working classes of England and Scotland than was generally believed, namely, the monster trains that ran on holiday occasions. He had always maintained in his private capacity, and he still maintained, that there ought to be some means of conveyance afforded on Sundays for persons engaged in works of absolute necessity or mercy; but he hoped that the House would not, by a compulsory enactment, violate the religious feelings of the people of Scotland. If railway companies were compelled to run trains on Sundays, steamboat proprietors would next be obliged to run steamboats, and there would be no saying where the operation of the principle thus introduced would stop.

MR. CUMMING BRUCE opposed the Bill, and protested against the practice, which was growing up in that House, of introducing Bills to remedy what a few individuals thought proper to regard as a grievance. There was here really no grievance, and the hon. Gentleman who introduced the Bill would find that by it he was retarding rather than facilitating the object he had in view.

The LORD ADVOCATE could not allow the debate to close without repudiating any acquiescence in the statement made by the hon. Member for Montrose with respect to the state of moral and religious feeling in Scotland. He gave that statement the most positive denial. They had been told that the strict observance of the Sabbath had tended in a great degree, by its extreme rigour, to demoralise the lower part of the population of that country. He did not acquiesce in the justice of that remark; and he could appeal, without the least difficulty, to those who were best acquainted with the people of Scotland, to bear him out in the assertion that the strict observance of the Sunday had given great moral strength and great moral dignity to the national character. It seemed to him that the directors of railways had generally exercised a sound discretion, and that the grievances complained of were not of such a character as should induce the House to interfere.

MR. CHARTERIS begged to remind the hon. Member for Montrose of the old Scotch proverb, "It is an ill bird that 'files its own nest." He sympathised with the feelings of the people of Scotland in their objection to any compulsory enactments on this subject, and he should, therefore vote against the second reading of the Bill.

Mr. HUME made a few remarks in explanation.

Mr. REYNOLDS did not admit the applicability to the hon. Member for Montrose, of the Scotch proverb just quoted, but believed that the vote which the hon. Gentleman was about to give would have the effect of cleansing his nest. He (Mr. Reynolds) had heard the debate of that day with surprise, because on reading the Bill he expected it would have been unanimously agreed to, and with regret that hon. Gentlemen should have endeavoured to mix up with the question so much religious feeling, when religious feeling had nothing to do with it, except in the imagination of the opponents of the measure. As it was his intention to vote for the second reading of this Bill, he would state, in justification of that vote, that of the sixteen railways in full operation in Scotland, eight, comprising 240 miles, worked on Sundays; the other eight, of an equal extent, did not. On the latter class, which he would call the religious railways — there had travelled, in the half year ending June last, 1,572,000 persons; and on the "irreligious" railways, 1,623,000 had travelled in the same period. Was it a sin, then, to travel on Sunday, in one part of the country, or on one railway, and not on another? Let it be remembered that inns were licensed, and the proprietors compelled to entertain travellers on a Sunday. In England people might travel all over the country on a Sunday; and on the river the inhabitants of the metropolis were not prevented from travelling. He would ask the hon. Member for Stockport and others, if they had not been directors and were not shareholders in railways that were open on Sundays? If they would not be accused, then, of rank hypocrisy, let them sell out their shares in those railways; but let not the people of one part of this empire be denied privileges which were enjoyed by others.

Mr. F. SCOTT said, he was not ashamed to avow a prejudice in favour of observing the Lord's day. It was remarkable that a general Bill should be brought forward for the sake of regulating some few railways in Scotland, especially as the public feeling there was decidedly and conscientiously opposed to the measure. Cases of inconvenience were alleged, but were there not inconveniences from having no delivery of letters on a Sunday in London?

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 122; Noes 131: Majority 9.

List of the Ayes.

Adair, H. E.
Aglionby, H. A.
Anstey, T. C.
Armstrong, Sir A.
Bagot, hon. W.
Bagshaw, J.
Bass, M. T.
Bentinck, Lord H.
Blake, M. J.
Blewitt, R. J.
Bright, J.
Bromley, R.
Brotherton, J.
Brown, W.
Buller, Sir J. Y.
Burke, Sir T. J.
Butler, P. S.
Caulfeild, J. M.
Christopher, R. A.
Cochrane, A. D. R. W. B.
Cockburn, A. J. E.
Coke, hon. E. K.
Coles, H. B.
Compton, H. C.
Crawford, W. S.
Crowder, R. D.
Damer, hon. Col.
Dawson, hon. T. V.
Denison, J. E.
Drumlanrig, Visct.
Duncombe, hon. A.
Dundas, Adm.
Ellis, J.
Emlyn, Visct.
Evans, Sir D. L.
Evans, J.
Foley, J. H. H.
Forester, hon. G. C. W.
Forster, M.
Gibson, rt. hon. T. M.
Godson, R.
Gore, W. O.
Granger, T. C.
Greene, J.
Grenfell, C. W.
Halsey, T. P.
Hamilton, Lord C.
Harris, hon. Capt.
Harris, R.
Henry, A.
Heywood, J.
Heyworth, L.
Hildyard, R. C.
Hildyard, T. B. T.
Hobhouse, T. B.
Hornby, J.
Hughes, W. B.
Jackson, W.
Keating, R.
Knight, F. W.
Knox, Col.
Lawless, hon. C.
Lewisham, Visct.
Lushington, C.
Mackinnon, W. A.
Marshall, J. G.
Marshall, W.
Melgund, Visct.
Milner, W. M. E.
Mitchell, T. A.
Moffatt, G.
Moore, G. H.
Morgan, O.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Muntz, G. F.
Norreys, Sir D. J.
O'Brien, J.
O'Connell, J.
O'Flaherty, A.
Ogle, S. C. H.
Ord, W.
Pechell, Capt.
Peto, S. M.
Pilkington, J.
Price, Sir R.
Prime, R.
Renton, J. C.
Reynolds, J.
Romilly, Sir J.
Salwey, Col.
Sandars, J.
Scholefield, W.
Scully, F.
Seymour, Lord
Shelburne, Earl of
Somerset, Capt.
Sotheron, T. H. S.
Stanley, hon. E. H.
Stansfield, W. R. C.
Sturt, H. G.
Sullivan, M.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Trelawny, J. S.
Tyrell, Sir J. T.
Villiers, hon. C.
Vyse, R. H. R. H.
Wall, C. B.
Walmsley, Sir J.
Wawm, J. T.
Willcox, B. M.
Williams, J.
Williams, T. P.
Willyams, H.
Wilson, M.
Wood, W. P.
Worcester, Marq. of
Wrightson, W. B.

TELLERS.

Locke, J.
Hume, J.

List of the Noes.

Acland, Sir T. D.
Adderley, C. B.
Alexander, N.
Arbuthnot, hon. H.

Arkwright, G.
Ashley, Lord
Bailey, J.
Bailey, J. jun.
Baillie, H. J.
Bankes, G.
Baring, rt. hon. Sir F. T.
Blair, S.
Blandford, Marq. of
Boldero, H. G.
Bouverie, hon. E. P.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Bruce, C. L. C.
Buxton, Sir E. N.
Campbell, hon. W. F.
Cayley, E. S.
Charteris, hon F.
Childers, J. W.
Christy, S.
Colebrooke, Sir T. E.
Conolly, T.
Cowper, hon. W. F.
Craig, W. G.
Dalrymple, Capt.
Davie, Sir H. R. F.
Davies, D. A. S.
Deedes, W.
Denison, E.
Drummond, H. H.
Duff, G. S.
Duff, J.
Duncan, G.
Duncuft, J.
Dundas, Sir D.
Du Pre, C. G.
Egerton, Sir P.
Egerton, W. T.
Ellice, E.
Evans, W.
Ewart, W.
Farrer, J.
Fergus, J.
Ffolliott, J.
Fitzroy, hon. H.
Floyer, J.
Fordyce, A. D.
Fuller, A. E.
Gladstone, rt. hn. W. E.
Glyn, G. C.
Gordon, Adm.
Goulburn, rt. hon. H.
Greenall, G.
Greene, T.
Grey, rt. hon. Sir G.
Hamilton, G. A.
Hastie, A.
Hastie, A.
Headlam, T. E.
Heald, J.
Henley, J. W.
Herbert, H. A.
Hindley, C.
Hodgson, W. N.
Hood, Sir A.
Hope, Sir J.
Inglis, Sir R. H.
Jermyn, Earl
Jervis, Sir J.
Johnstone, Sir J.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Law, hon. C. E.
Legh, G. C.
Lennox, Lord H. C.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Mackenzie, W. F.
Macnaghten, Sir E.
M'Neill, D.
Maitland, T.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Miles, P. W. S.
Miles, W.
Moody, C. A.
Morris, D.
Mullings, J. R.
Neeld, J.
O'Brien, Sir L.
Ossulston, Lord
Packe, C. W.
Palmer, R.
Patten, J. W.
Pearson, C.
Pennant, hon. Col.
Plumptre, J. P.
Pugh, D.
Ricardo, O.
Richards, R.
Robartes, T. J. A.
Rushout, Capt.
Rutherfurd, A.
Scott, hon. F.
Sheridan, R. B.
Sidney, Ald.
Smollett, A.
Somerville, rt. hon. Sir W.
Stafford, A.
Stanton, W. H.
Stuart, Lord J.
Stuart, H.
Talfourd, Serj.
Tollemache, J.
Trollope, Sir J.
Watkins, Col. L.
Westhead, J. P.
Williamson, Sir H.
Wodehouse, E.
Wortley, rt. hon. J. S.
Young, Sir J.

TELLERS.

Cowan, C.
M'Gregor, J.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for six months.

SMITHFIELD MARKET.

Mr. MACKINNON moved that Mr. William Miles and Mr. Eliot Yorke be discharged from further attendance on the Smithfield Market Committee, and that Mr. Ormsby Gore and Mr. Wodehouse be added to the Committee.

Sir DE LACY EVANS objected to the Motion; complaining that the metropolis was not represented on the Committee. He moved, as an amendment, that Mr. Osborne be substituted for Mr. Wodehouse.

Alderman SIDNEY said, that the metropolis had reason to complain of the manner in which this Committee had been obtained. He objected to a new Committee at this late period of the Session. The corporation had been prevented from enlarging the market, because they did not know what Parliament was about to do.

Mr. MACKINNON said, he had not added to the Committee. He merely proposed to substitute two Gentlemen who were willing to serve, for two who were not. He had asked several metropolitan Members if they were willing to serve, and they had declined.

Notice taken, that forty Members were not present; House counted, and forty Members not being present,

The House was adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, April 26, 1849.

Minutes.] Public Bills.—2ª Leasehold Tenure of Lands (Ireland).

Reported.—Smoke Prohibition.

3ª Grants of Land (New South Wales); St. John's, Newfoundland Rebuilding.

Petitions Presented. By the Earl of Mountcashell, from Hounslow, Tewkesbury, and a Number of other Places, for the Suppression of Seduction and Prostitution.—By the Earl of Eglinton, from the Royal Burghs of Scotland, to be provided with the Means of Recovering Money advanced for the Support of Irish Paupers.—By Lord Campbell, from Aberdeen and Balbeggie, that Clergymen Seceding from the Church may be secured the full Benefits of the Acts of Toleration; and likewise for the immediate Liberation of Mr. Shore.—By the Earl of Carlisle, from Huddersfield, and other Places, against the Granting of any New Licenses to Beer Shops.

LEASEHOLD TENURE OF LANDS (IRELAND) BILL.

The LORD CHANCELLOR moved the Second Reading of this Bill. His Lordship explained the nature and object of the measure, but was very indistinctly heard. His Lordship was understood to say, that it would be necessary, for the information of such of their Lordships as were not acquainted with the tenure of land in Ireland, to explain the nature of the evils arising from it, and the remedy which he proposed to apply to those evils. Nobody could dispute that where a mode of dealing with land was in force which was positively injurious to those who occupied it, it must be productive of a state of things much to be lamented, and very difficult to be remedied. A large part of the land of Ireland was held by a set of men who had nearly all the interest of it in their own hands, not indeed in perpetuity, but by leases for lives renewable for ever. In such cases, where a nominal amount of rent was reserved, the occupier had nearly all the beneficial interest arising from it; for the owner had no real beneficial interest except in the rent reserved to him in the original lease, which was, generally speaking, so small that his interest in the land was very trifling. Great mischiefs had arisen from this mode of tenure in Ireland, which was supposed to have arisen, amongst other reasons, from the desire of all parties in that country to have some connexion, however small, with land; and, therefore, although a proprietor might virtually part with his beneficial interest in the land for the purpose of raising money, still he could not prevail with himself to part with the land itself. Whatever might be its origin, there could be no doubt that the tenure had proved extremely injurious both to the original lessor and to the numerous lessees who held under him. The tenants and occupiers had a covenant in their leases for the perpetual renewal of them on the payment of certain fines; and so long as the land remained in the hands of the original lessee, and so long as the original lessor received the rent reserved to him, no great difficulty occurred. Many cases, however, soon arose in the courts of equity in Ireland, in which tenants were obliged to proceed against their landlords for the renewal of their leases; for it often happened that where some covenant had not been performed by the tenant, or where the tenant had not applied for the renewal of his lease within due time, the renewal had been refused. Whilst Lord Thurlow was Lord Chancellor, a case of that kind came before him, in which he was struck with the hardships which fell upon the tenant, and the result was that a decision was given in this country which very much alarmed those who were interested in this species of property in Ireland. That alarm gave rise to the Act of the 20th of George III., called the Tenancy Act, which, in attempting to remedy one evil, introduced another of much greater magnitude. It provided that the tenant at all times should have a right to apply for the renewal of his lease, but that the original landlord should have at the same time a right to apply to the tenant for the payment of the fine due upon its renewal, and that, after a reasonable time had elapsed after that application, if the fine was not paid, he should not be called upon to renew it as a matter of right. That covenant became the fruitful source of much litigation; for no lessor or lessee could come to a satisfactory conclusion as to what was or what was not "a reasonable time." Such a condition of law prevented the landlord and tenant from arranging matters in a peaceable way, and they were thus compelled to resort to the Court of Chancery in Ireland for the settlement of the difference between them. This, however, formed but a small part of the difficulty dependent upon the tenure of land in Ireland. We had not in England the same system of sub-infeudation in land which prevailed in almost every part of Ireland. In that country it was difficult to know where the first holder of an estate was to be found, as there was always a vast, if not an infinite number of sublettings under the original grantor. Such a state of things was profitable to the lawyers, but to no one else, as it was necessary upon every change in the holding to find out who really was the first owner of the property. There was also another difficulty connected with it, which was very oppressive on the landlord. He could only avail himself of any forfeiture of the leases held under him within a reasonable time after a life had dropped; and this again led to expense and litigation. Such were the evils arising from what was intended to be a remedial Act. His Lordship then quoted the opinions of the late Earl of Clare, of the late Lord Redesdale, and the evidence taken under Lord Devon's Commission, to show that under such a state of law all landed property must become depreciated and remain of very precarious value. He had now stated the difficulties arising from the dealings of the landlord with his property; but there were difficulties of another character, but equally injurious to everybody in possession of the land, down even to the lowest lessee. Nobody knew what he got or what he held by his lease; and thus property of very great value became actually of very little value, from the extensive subdivisions to which it was liable. Moreover, the uncertainty of the tenure led to a bad cultivation of the land, and thus injured its value to the proprietors, whoever they might be. The remedy which he proposed to apply to this state of things was to give the tenant, by a compulsory process on the landlord, power to convert these leaseholds renewable for ever into fee-simple by securing to the landlord a fee-farm rent. His Lordship then described the proceedings by which the amount of this fee-farm rent was to be decided. The rent reserved under this system was to be recoverable by the original landlord just in the same manner as any other rent in arrear in Ireland. There were many other details connected with the Bill, which he did not think necessary to explain at that moment, as they were merely technical. He should therefore conclude by recommending their Lordships to read the Bill a second time, as he thought that it would obviate all the evils which he had complained of, and would tend to the improvement of cultivation by discouraging subletting; for the great subletters were the owners of all these leases renewable for ever.

LORD BEAUMONT admitted that the object of this Bill was good, but complained that the machinery of it was very complicated. He thought that that full compensation which was due to the lessor would not be given under it. He objected also to the establishment of this fee-farm rent; for it must be fixed upon the whole of the property, and when it was subdivided, how was the fee-farm rent to be apportioned? He would have preferred that the Bill had gone one step farther, and given the tenants in perpetuity the power to purchase upon reasonable terms.

LORD MONTEAGLE expressed the obligation which he and all the other proprietors of Ireland felt towards his noble and learned Friend, not only for the present measure, but also for various other measures for improving the state of the laws affecting landed property in that country. But though he fully concurred in the principle of the Bill, he felt bound to say that its details should be discussed with great caution and deliberation. The question was one of a very complicated nature, and affected interests to an extent of which no person unacquainted with the state of property in Ireland could form an idea. The origin of perpetual leases was to be attributed to the enormous grants made to landed proprietors in Ireland who lived in another country. A great portion of the land of Ireland, and a great portion of the land on which capital was invested for building purposes, depended upon leases of this description, renewable for ever, and subject to fines upon the dropping of lives. Those leases were, for the most part, granted by English proprietors to Irish tenants, and the courts of law in Ireland had a tendency to support the tenant against the inheritor or owner. He thought, however, if they were to regard the system as one of injustice to the tenant, it would be found otherwise. The question was one which he thought they ought to approach with extreme caution. It would be impossible for them to convert the owners of land into occupiers by this Bill; neither would it be desirable to do so if they could. He hoped the noble and learned Lord would have no objection to allow a little time to intervene before the Bill got to Committee, in order that noble Lords not conversant with the law in Ireland, and the management of land in that country, might have an opportunity of acquiring information. There was nothing unreasonable in this request, and therefore he hoped it would be acceded to. A little delay was the more desirable, in order that the Bill might be made as perfect as possible before it was sent to the other House. He regretted that complaints were sometimes made, and with justice, that Bills were brought into that House and passed in a crude shape and hurried manner, the principle of which was not understood until its injurious tendency began to be felt. As it was extremely desirable that this Bill should be passed in a form as little mutilated as possible, he hoped time would be given to understand its provisions.

The EARL of WICKLOW thought it desirable that reasonable time should be given; but he hoped his noble and learned Friend would not extend the time to such a length as to endanger the passing of the Bill this Session. It was the duty of the House to make the Bill as perfect as possible; but his noble and learned Friend could not be held responsible for what might happen to it in the other House. For his part he must say he thought the Bill was well intended for the purpose, and well calculated to carry that purpose into effect. As far as he could understand the Bill, he saw no difficulty in carrying its provisions into effect. He wished, however, to add, that, in his opinion, the principle ought to be carried a step further, and power given to the tenant in perpetuity to purchase.

Lord REDESDALE expressed his intention to give his assent to the second reading of the Bill, as he considered that the circumstances of the country required some such enactment. There were, however, some provisions with respect to timber reservations which he could not entirely understand; because he could not see how a man could possess timber on another person's estate. Then there was the saving of royalties, by which no person could affect the rights of the lord of the manor. The effect of this would be that the owner who gave up a fee-simple estate might have a right to kill the game on it. This, he feared, would lead to litigation and inconvenience. He thought also that the measure ought to contain some provision for apportioning between lessors and lessees any increased value that might arise from the change of tenure.

Lord CAMPBELL said, that the principle of the Bill was unquestionably a good one, and likely to be useful both to the owner and the occupier. If a tenure of land which was injurious to the lord could be changed, without any loss either to the lord or to the tenant, or to any person having an interest in the land, it would be extremely desirable. There could be no doubt but that the perpetual tenure of land was an extremely mischievous system. It was mischievous to the tenant, and mischievous to the lord, and, if possible, it was of the last importance that it should be reduced to tenure in socage. There was no reason to suppose that any danger would arise to copyhold tenure in England from the measure, because there was no analogy between this tenure in Ireland, and copyhold in England. It had not been shown that any injury would accrue to the lord; but, on the contrary, he believed that the lord would receive an equivalent, which would be more desirable than the right to renew, whilst the interest given to the tenant would be greater. There could not be any difficulty in giving the lord a compensation for his right to renew for ever. This proprietorship of land was merely nominal, for the lord could not get possession of it, and it was, therefore, a mere airy ownership. The present Bill had been very carefully prepared, and he hoped, before long, it would receive the sanction of both Houses of Parliament, the Royal assent, and become the law of the land.

After a few words from the Earl of Mountcashel and the Lord Chancellor in reply,

Bill read 2^{a}.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 26, 1849.

Minutes.] Public Bills. —— 1^{o} Exchequer Bills (17,786,700*l.*); Incumbered Estates (Ireland); Estates Leasing (Ireland); Society for the Prosecution of Felons (Distribution of Funds).

2^{o} Administration of Justice (Metropolitan Districts).

Petitions Presented. By Mr. Thomas Greene, from Lancaster, against the Parliamentary Oaths Bill.—By Mr. Hardcastle, from Colchester, for the Clergy Relief Bill.—By Mr. Alexander Smollett, from Greenock, against, and by Mr. Du Pre, from Aylesbury, in favour of, the Marriages Bill.—By Mr. Bouverie, from Renfrew, against the Marriage (Scotland) Bill.—By Mr. Duncuft, from Oldham, against Endowment of the Roman Catholic Clergy.—By Mr. Cowan, from several Places, and by other hon. Gentlemen, against, and by Mr. Locke, from Edinburgh, in favour of, the Sunday Travelling on Railways Bill.—By Sir William Molesworth, from Launceston, Van Diemen's Land, against Convict Emigration.—By Mr. Joseph Bailey, from Crickhowell, County of Brecknock, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Thomas Greene, from several Places in Lancashire, respecting the Lancashire County Expenditure.—By Lord Marcus Hill, from the Evesham Union, for the County Rates and Expenditure Bill.—From the Lewes Union, Sussex, for Relieving Counties from the Expense of Constructing Gaols and Lunatic Asylums.—By Mr. Cowan, from the Royal Burghs of Scotland, in Convention assembled, for Reduction of the Public Expenditure.—By Mr. Deedes, from a Number of Places in the Eastern Division of the County of Kent, for Agricultural Relief.—By Mr. Fagan, from Cork, against the Attachments, Court of Record (Ireland), Bill.—By Admiral Dundas, from Greenwich, against the Friendly Societies Bill.—By Mr. Cowan, from the Royal Burghs of Scotland, in General Convention assembled, respecting the Recovery of Money advanced for the Support of Irish Paupers.—By Viscount Bernard, from Cork, for a better Regulation of Medical Charities (Ireland).—By Mr. Adderley, from the Stafford Union, for the Adoption of Measures for the Suppression of Mendicancy.—By Mr. Dodd, from the Maidstone Union, and by other hon. Members, for a Superannuation Fund for Poor Law Officers.—By Mr. Turner, from Coventry, for the Punishment of the Promoters of Promiscuous Intercourse.—By Mr. Henry Herbert, from Killarney, and other Places in the County of Kerry, for a more complete System of Railways (Ireland).—By Mr. Hume, from Pathhead, Fifeshire, and by other hon. Gentlemen, from several Places, against the Registering Births, &c. (Scotland) Bill, and Marriage (Scotland) Bill.—By Mr. Heyworth, from Cirencester, for an Alteration of the Sale of Beer Act.—By Mr. Alexander Smollett, from the Presbytery of Greenock, against the Abolition of Tests for Schoolmasters (Scotland).—By Alexander Hastie, from Glasgow, and by other hon. Members, for referring International Disputes to Arbitration.

STEAM-BOAT CASUALTIES.

Mr. J. O'CONNELL wished to ask the right hon. the President of the Board of Trad a question, of which he had given notice, whether it is the intention of the Government to bring in any measure so to regulate the carriage of passengers in merchant vessels, between various ports of the united kingdom, as may prevent the recurrence of such calamities as occurred on board the *Londonderry* steamer? He wished also to ask, whether the attention of the right hon. Gentleman had been drawn to the report of an inquest that had been held in the course of the last few days at Liverpool, in consequence of several deaths that had taken place on board the *Britannia* steamer, on her passage from Dublin to that port? It appeared she carried 414 deck passengers, in a gale of wind, many of whom had to remain upon the paddle-boxes, and, in consequence of the exposure and the severity of the weather, a man, woman, and child died. He wished to know if the Government intended to adopt any measures to prevent the recurrence of such casualties?

MR. LABOUCHERE was glad to say, that the attention of the Government had been directed to the lamentable consequences arising from the overcrowding of steamers, and the exposure of deck passengers, from overcrowding, on board steamers between England and Ireland. They had considered the question, not only with regard to the *Londonderry*, but various other cases. The subject was one which was not unattended with difficulty; and it would be most unadvisable to throw any obstruction in the way of the cheap means of conveyance at present enjoyed by the humbler classes in Ireland, who came over to the harvest, or for other purposes. On the other hand, the overcrowding had been attended with such serious results, that it would be necessary to interpose. The hon. and learned Gentleman must be aware that, by an Act passed in the last Session, there was a power vested in the Board of Trade to limit the number of passengers; but the application of that Act had hitherto been limited to steamers navigating rivers, and had not been applied to sea-going steamers. Under the present circumstances, he had thought it right to direct Captain Denham to go down to Liverpool, and to report the result of his inquiries; and he could assure the hon. and learned Gentleman that no time would be lost by the Government in taking such measures as, under all the circumstances, might be considered expedient.

MR. CARDWELL expressed his gratification that the duty had devolved upon Captain Denham, and hoped the Government would not lose sight of the subject.

Subject dropped.

THE NEW HOUSES OF PARLIAMENT.

MR. B. COCHRANE, pursuant to notice, put the following questions: Whether there be any probability of the House of Commons being ready for the reception of Members by the Session of 1850? Whether it might not be ready if a larger grant were made for that purpose? What amount would enable such to be effected? Whether a great ultimate saving might not be attained by a more liberal grant during the present year?

MR. GREENE replied to the first question, that the House itself might be rendered fit for the occupation of Members by the time named; but, at the same time, it would not be convenient so to occupy it until the library, offices, refreshment rooms, and approaches were finished. To the second question, he could only say, that it might be possible to get the whole ready if an additional sum of 50,000*l.* could possibly be allowed for the purpose. With respect to the last question, no doubt was entertained by those superintending the building, that a considerable ultimate saving might be effected by proceeding more rapidly by the advance of additional sums.

MR. B. COCHRANE asked, whether, as a great saving could be effected by additional advances, the noble Lord the First Minister of the Crown would not propose them to the House?

LORD J. RUSSELL said, that the yearly amount of grant was very much regulated by the income and expenditure of the year.

MR. B. COCHRANE asked if the noble Lord would increase the grant?

LORD J. RUSSELL said, that there were many buildings in which, no doubt, economy would be consulted by granting larger sums of money; but if 50,000*l.* were granted to one, and 100,000*l.* to another, the expenditure of the year would be increased in a way by no means advisable.

Subject at an end.

BUSINESS OF THE HOUSE.

LORD J. RUSSELL said, he proposed to move the Order of the Day for going into Committee on the Poor Laws (Ireland) Rate in Aid Bill, for the purpose of postponing it, inasmuch as there were so many Motions on the Paper, that he could not expect it conveniently to come on that night. What he proposed was, to postpone the Committee on that Bill until tomorrow, when it could be taken first. Then, when the Bill had gone through Committee, he proposed that the House should meet on Saturday for the report.

He did not anticipate there would be any discussion on that stage. The third reading of the Bill would then stand as the first Order of the Day for Monday, when that discussion could take place, which, he understood, was desired, before the Bill went up to the House of Lords. After this, he hoped to be able to go into Committee of Supply, and take a few Votes on account.

Mr. GRATTAN then rose and requested the hon. Member for Shrewsbury to postpone the Motion he had on the Paper for the appointment of a Standing Committee to consider the practical measures likely to improve the working classes; and he grounded his appeal to him on the distressed condition of the poor of Ireland. He hoped, therefore, that the hon. Gentleman would give way to the noble Lord at the head of the Government, that the measures respecting Ireland might be considered without loss of time.

Mr. SLANEY said, he had twice postponed his Motion, at the request of the Government; and now he thought it hardly fair that he should be appealed to for another postponement.

Sir. R. PEEL hoped that the announcement made by the noble Lord at the head of the Government, with regard to the postponement of certain measures, did not affect the Motion of which he had given notice with respect to the Bill for the Amendment of the Irish Poor Law, or the other, respecting the sale of incumbered estates.

Lord J. RUSSELL: Oh no, these are not at all affected by what I said. They will come on to-night.

Mr. HUME said, he had postponed the two Motions which stood on the Paper in his name, in order that the Government might proceed with their measures for Ireland; and he was sure that the hon. Gentleman the Member for Shrewsbury, although his Motion was important, would find a more fitting opportunity for bringing it on at a future period of the Session.

Mr. BRIGHT wished to add his opinion in favour of the hon. Member postponing his Motion. Although the subject was one to which the hon. Gentleman had paid great attention, and was in itself very important, yet he thought he would be more likely to gain the ear of the House on another occasion if he would consent to postpone it to-night. He said, there was reason for wishing to forward any measure introduced by the Government in regard to Ireland; and therefore, although the subject of the hon. Gentleman's Motion was important, it was still more important that the Government measures for Ireland should be advanced without delay.

Mr. SLANEY said, if any day were fixed when he could have precedence for the discussion of a subject to which he had given a long and painful attention, he had no objection to postponing his Motion. But unless that were assented to, at that advanced period of the Session, he did not feel it his duty to postpone a subject in which a large portion of the people of England were interested; he wished to know, therefore, whether the noble Lord would give him precedence on any day?

Mr. POULETT SCROPE said, the hon. Gentleman spoke of the people of England, but he (Mr. Scrope) appealed to the House, whether the distress of the Irish people did not make it much more important to proceed with the Government measures.

Mr. SLANEY: Can the noble Lord give me any assurance that I shall have the precedence on a future day?

Lord J. RUSSELL said, that that matter rested with the House, and not with him.

Mr. SLANEY then said, that in obedience to the desire which appeared to prevail on both sides of the House, he would give way to the noble Lord, but in the hope that another day would be granted to him for the discussion of his Motion.

Lord J. RUSSELL said, he would at present leave the Rate in Aid Bill where it stood on the Paper, to come on at a later period of the evening. If it should not come on to-night, he would then revert to the arrangement he had already announced.

Subject at an end.

POOR RELIEF (IRELAND).

Lord J. RUSSELL said: I rise, Sir, to move for leave to bring in a Bill to amend the Acts for the more effectual relief of the destitute poor in Ireland. I have not proposed to the Committee now sitting on the Irish poor-law to come to any decision on the measure I am about to submit to the House. That measure I propose entirely on the responsibility of Her Majesty's Government. There are several points upon which the Bill I am about to introduce does not touch, but which are points requiring further consideration, and upon some of which it may be advisable that the House should legislate in the course of the present year. The first and most important alteration which I now propose is the introduction of a maximum, both with regard to the rate upon each separate electoral division, and the rates upon all the electoral divisions of an union. It must be admitted that these provisions are contrary to the general principle of the poor-law as understood in this country. It is always assumed that, whatever may be the amount of pauperism, it must be relieved first by means of a rate for the purpose of providing for the infirm poor, and in the next place by setting to work the ablebodied poor. But, in putting that principle into operation in Ireland, at a time of very great distress, and when great scarcity prevailed in that country, there has been such a pressure upon the tenant-farmers and upon the property of the country as to create very considerable alarm, and to be an obstacle to the due cultivation of the land. Now, it is obvious that if there is this difficulty with regard to the cultivation of the land, the pressure of the poor-rates would thereby be increased, and in two ways: first, from there being a want of the means which have hitherto existed to supply the wants of the poor; and, secondly, from the increased number of labourers unable to find employment, who would consequently become paupers. It was therefore considered by Mr. Twisleton, as the head of the Irish Poor Law Commission, and by Her Majesty's Government, whether it would not be advisable to propose a maximum rate, and it was thought by them that a maximum rate should be enforced. What I have now to propose, is, that the rates in any electoral division shall not exceed the amount of *5s.* in the pound in any year, and that what may be further required shall be levied on the other electoral divisions of the union to an amount not exceeding *2s.* in the pound for the year. Supposing, therefore, that in one electoral division expenses have been incurred to the amount of *7s.* in the pound, that electoral division will first pay the rate of *5s.*, and then it, with the other electoral divisions of the union, will pay an amount not exceeding *2s.* in the pound, in addition to the ordinary rates which may be necessary in those divisions. With regard to the present state of the electoral divisions in Ireland, I have a letter lately received from a farmer in an union in Tipperary, who states that in his electoral division the rates amounted to *7s. 6d.* in the pound, while in two electoral divisions in the neighbourhood scarcely any rate whatever was necessary, there being no surplus of labour, and consequently very few persons requiring relief. I have been told, as an objection to my proposal, that it will be an inducement to electoral divisions to expend to the amount to which they are limited by law, in order to obtain the aid which which will be given by the additional rate of *2s.* upon the other electoral divisions. I cannot think, however, that that will be the case, because it is obvious that if an electoral division could support the poverty which belongs to it with a *4s.* rate, there is no inducement to it to it to increase its rate to the amount of *7s.* in order to obtain some aid from other electoral divisions. Still less could it be the interest of those electoral divisions which at present are lightly charged—which pay *6d.* or *1s.* in the pound—to increase their charges for the purpose of raising the whole amount of the rates. Now, some persons are of opinion that it would be advisable to lay a rate upon each electoral division which should not exceed a certain amount, but that it is not advisable to call in the aid of other electoral divisions. I am afraid that if that proposition were adopted, the result we wish to arrive at would not be attained; because, while some of the electoral divisions might incur an expenditure greatly exceeding *7s.*, there might be other electoral divisions whose expenditure might be much below that amount, and the electoral divisions charged with the *7s.* might have an amount of pauperism they could not support, while they could obtain no aid from the union. It appears to me that the guardians, having a general control with regard to the expenditure of each union—and being forced by the necessity of contributing to the aid of any electoral division when the guardians or managers are disposed to be wasteful to look narrowly into that expenditure—would, therefore, exercise vigilant control over the expenditure of each electoral division. This is a totally different case from any general rate in aid, for if you made a general—an indefinite—rate in aid over the whole country, demands might be made upon that rate in consequence of profuse expenditure in particular electoral divisions; but that objection will not apply to my proposal, because the guardians have a general supervision of the charges and expenditure of the electoral divisions which require aid. Another objection to this proposal is, that there may be, in certain unions, as we have found has been the case in past years, a total inability to defray the expense of maintaining their poor, and that in consequence of this measure no more than a 7*s.* rate can be collected from all the electoral divisions in such unions. But, on the other hand, the main question appears to me to be to enable the unions as far as possible to support the pauperism in their own districts. We have found that not only were many unions unable to raise a rate amounting to the 7*s.*, or 10*s.*, or 12*s.* that might be required, but that a rate of 3*s.* or 4*s.* has been the utmost collected in years of very severe distress. I do not think, therefore, that this measure would at all disable unions from affording aid to the necessitous, while it would give security both to occupiers and owners of land that their rates should not go beyond a certain limited amount, and there would therefore be an inducement to occupy and to cultivate land, which is now wanting in the more distressed districts of Ireland. I have also to propose several further provisions with respect to the amendment of the poor-law. One proposal is that the Poor Law Commissioners shall have the power to settle the past liabilities of certain electoral divisions, in contemplation of a new division of unions and electoral divisions. Upon that subject a report has been made by the boundary commissioners, who were appointed last year. It is impossible now to go into that report, and the principles upon which it is founded; but all I say at present is, that I propose to adopt the general views of those commissioners, and to enable the Poor Law Commissioners from time to time to carry their reports into effect. I am, however, prepared to say, that having considered the question with regard to workhouses, and the opinions that have been given by various persons with respect to that subject, I am disposed to assent to the opinion which I find is generally entertained, that it would not be useful to make a further division of unions, unless at the same time some provision is made for new workhouses. I think it would be better to defer for a time the carrying into effect of a new division of unions; but at the same time whenever there is a new division of unions, that new workhouses should be erected. There will be a clause in the Bill, therefore, enabling the Commissioners to make these arrangements. Another provision of the Bill is one to which I referred on a former occasion—namely, that the owners who pay the poor-rate according to the present law, should have the power of deducting a portion of that rate on account of the jointures and rent-charges by way of life annuities which are chargeable upon their property. I would make this alteration on the principle that these jointures and family settlements were made in contemplation of a state of the law totally different from that which now exists. It was then supposed that the rent of the landowners would not be charged with the poor-rate, to which it is now subject; and I therefore think it is just that the change in the law affecting such property should be taken into consideration. In the case of any future settlements it will, of course, be in the power of persons executing them to make them in accordance with the existing law, and to make jointures larger, because the poor-rate is chargeable upon them. There will be no difficulty, I think, with respect to future arrangements, the only difficulty being with respect to settlements already made. I propose, also, to make an alteration with regard to a very important provision of the original Poor Law Act, in respect to the deductions made by the tenant from the owner in reference to the poor-rate. It was intended that half of the poor-rate should be paid by the occupier and half by the owner; but it was stated that there were in many cases very high and exorbitant rents payable. It was provided by the original Act that the tenant should be allowed to deduct not only half the rate he paid, but half the rate on the amount of rent he paid. There was a survey to make valuations, which were made a good deal below the actual fair rents paid, and in that manner many occupiers have transferred from themselves to the owners the liability intended to be placed on themselves; and I propose for the future, as the best way of avoiding this difficulty, that the tenant should have the power of deducting half the rate he paid, but should not have the power of making any further deductions; and therefore the deduction would have no reference whatever to the rent he was liable to pay. I shall propose, also, to insert in the Bill a provision with respect to agricultural improvements, which may be effected either by drainage or improvement of land, or by farm buildings. I think it impossible—at least we have not found that we could frame any provisions by which, without a great deal of inconvenience, the land should be free from increased valuation on account of certain improvements. There must have been an inquiry as to what those improvements were, at what period they were made, and whether the party was fairly entitled to have his claim allowed to have his valuation not increased; and we felt it not possible to frame any provision to that effect which might not give rise to great disputes, and questions to be brought perhaps before a court of law, and causing considerable litigation. Consequently, what we propose is, that for a certain period there should be a fixed rateable value—namely, that for a period of seven years agricultural improvements should not be valued at an increased amount. The obvious effect of such a provision would be, that persons might undertake improvements without any fear that during seven years they would be liable to increased rates on account of the value of those improvements; for hon. Gentlemen are aware that there has been great complaint made in petitions and memorials that no sooner did a landed proprietor or occupier increase the value of his property, by laying out any great sum of money on works of improvement, than his rates were increased, and consequently great discouragement was thereby given to effecting improvements. Another arrangement which I propose to make is, that civil-bill decrees for the recovery of rates shall be removable into any of the superior courts in Dublin without writ of *certiorari*, and when duly filed shall have the force of a judgment of such court; thus making them judgment debts against the property, which may be sued out by the usual process of law. A question which has been much agitated and disputed is that relating to the sale of land for the purpose of paying arrears of poor-rates. There exists very great difficulty on that subject, owing to the necessity of solving the question, who is the person liable for the payment of such poor-rate, and who is the person having the interest in the land? Of course it would not be just, if one person were liable for the poor-rate, and another were the owner of the land, that the land should be sold for the payment of the arrears of poor-rate; and I have therefore requested my hon. and learned Friend the Solicitor General to insert in his Bill provisions which I think it possible to make with respect to the sale of land for the arrears of poor-rate—that being one of the points with which his Bill proposes to deal, and I desiring to confine myself, in the present measure, as much as possible to the amendment of the poor-law itself. I propose, however, that on the non-payment of rates, the lessor may have the power of proceeding by civil bill in respect to them, and may oust the tenant for the non-payment. I have not included in this Bill several provisions which it may be desirable to introduce after further discussion shall have taken place. I have introduced those amendments which it seems to me will tend to the improvement of the poor-law, and calculated, I think, to stop that alarm, or rather panic, which has prevailed in some parts of Ireland as to the inability of the present occupiers and owners of land there to pay the poor-rate. The great increase of the poor in Ireland during the last year, has led many persons to suppose that the burden will be so great that it will be impossible to cultivate the land with any profit; and if that opinion were to spread through the country, it would prevent persons from cultivating it. Now, I do not think that there is any such extent of pauperism in Ireland as may not be relieved by rates which, in ordinary years—not speaking of occasions of extreme famine—the cultivators might be capable of paying. I own that I was surprised to find that the number of ablebodied labourers who, with their families, sought relief from the poor-law in June and July last in Ireland, was not greater than 70,000; whereas the number in England amounted to 90,000. The question, after all, is, whether, supposing there is not a very great scarcity, it is not possible for Ireland to go on supporting her poor by a poor-law made as efficient as possible for that purpose? My belief is, that, omitting extraordinary years, it is possible for Ireland to bear the burden, and that, so far from the country being pauperised by the poor-law, the land is, on the contrary, much more likely to be cultivated if there should be some security for the support of life under a poor-law, than it would be if the country were left without a poor-law at all. The noble Lord concluded by moving for leave to bring in a Bill for the Relief of the Poor in Ireland.

Mr. STAFFORD: Sir, the noble Lord has stated that the rates for the maintenance of the poor in Ireland could be collected—all his arguments proceeded upon that assumption; but, over and over again, he had called attention to the fact, that the famine in Ireland, cease when it would, would not leave Ireland where it found it, in possession of all her resources. The great error of the poor-law was its tendency to render wider the distance between capital and population. Thousands of lives had been lost, still the capital of Ireland was being swallowed up. In one whole quarter of Ireland, the resources of all were wholly and completely exhausted, and it was by extraneous means alone that the lives of the people could be preserved. It was with great regret that he saw the Government coming down with such piecemeal legislation. It would have been far better to have embodied the whole of the alterations they intended to propose in one Bill, so that the people of Ireland might know the amount of change they had to expect, at least for one year. The Committee nominated by the noble Lord upon the poor-law had not concluded their proceedings, it was true; but he was at a loss to know for what more evidence the noble Lord was waiting from them, or why he had selected the present from among the many other subjects which their inquiries embraced. The noble Lord said he was not prepared to go into the question of the sale of land for arrears of poor's-rates. That was a subject upon which considerable evidence had been taken by the Committee, and upon which great anxiety existed in Ireland. [Lord J. RUSSELL: I said, not in the Bill for the amendment of the poor-law.] But that is the only Bill we have before us. [Lord J. RUSSELL: Yes; but not the only Bill that is promised.] Then it would be convenient if the Government would state to the House what other subjects their policy was intended to embrace during the present Session. It would tend to set at rest vain fears as well as vain hopes, which were worse, upon certain subjects, which were entertained in the country. To fix a maximum rate was one of the most difficult matters they had to deal with. He did not understand that the Government had irrevocably fixed upon a 5*s*. electoral division and a 2*s*. union rate. But the noble Lord had not told them what was to be the case when the rate exceeded 7*s*. in any electoral division. Whence was the poverty of the district to be supported when that maximum had been reached? The Rate in Aid Bill was avowedly to last only two years; from what fund then was the money to come? The conclusion at which the people of Ireland would come would be that the money must come out of the national exchequer. Did the noble Lord mean that the 5*s*. rate was to be merely struck, or was it to be really and truly collected? If they contented themselves with merely striking the rate, and suffer a large portion of it to remain uncollected, and then proceed to lay the 2*s*. rate, he could assure the noble Lord it would not work, and he might as well give it up. Make a 6*d*. rate if they pleased, but whatever they did impose let them see that it was actually collected. The noble Lord said he proposed to adopt the report of the boundary commissioners; but, so far as he understood that report, it did not much matter whether he did or not, for it contained nothing. But he could assure the noble Lord, that unless the area of taxation was made much smaller than that proposed by the boundary commission, that commission would have achieved very little good in the working of the poor-law. He wished them to bear in mind that unless they rendered the poor-law a stimulant to labour, they would swamp the property before they found relief for the poverty of the country. Now, with regard to the size of the unions, the noble Lord had stated that he could not consent to the alteration of the size of the unions unless new union workhouses were raised. The right hon. Baronet the Member for Tamworth had stated 1,100,000*l*. were owing for union workhouses in Ireland; that none, with the exception of Newtownards, had attempted to pay back by instalments what was advanced; but when they found they were the only persons that were doing so, they discontinued paying. It ought to be recollected that union workhouses were built without reference to the local authority on the subject. In the Limerick union much of the money that was received would have been repaid if it were not necessary to spend it in enlarging the workhouse. How were they to exact the workhouse test when the workhouse was overflowing? They had in Limerick actually spent in building and repairs more money than would have repaid the money borrowed from the Government. If now, then, the union workhouses were to be built, he asked where was the money to come from? He thought that when boards of guardians had conducted their own affairs through difficult times, they should be permitted to retain the boundaries of their own unions as they were. Let the English Members, he said, look to this, that it was proposed that twenty-one new workhouses should be built, and that all must be built from the funds of the national treasury; and let those who were satisfied with the payment of the past loans recommend another. In Committee it was his intention to propose a clause to the effect, that unless in the case of boards of guardians that had been dismissed, the opinion of the board should be taken, and, unless the board of guardians should consent to the proposed alteration, the boundaries of the union should remain as they were. In Ireland the moment a new union was proposed, it was immediately acceded to, as with a new union there would be a new staff, a new clerk, &c., and all the other machinery for jobbing. Then, he said, to prevent this, it should be understood that, where a new workhouse was to be raised, the board of guardians would have to pay for it, and that no loan or grant would be made from the treasury on account of new workhouses in Ireland. He understood from the noble Lord that the incidents of rates were henceforth to be equally divided between the owners and occupiers of land—that there was no reference made to the rent which the tenant paid. As he understood, of every shilling of rate—sixpence was to be paid by the occupier, and sixpence by the owner. In England, the whole rate fell upon the occupier; in Scotland, half was paid by the occupier, and half by the owner; so that, in point of fact, the noble Lord proposed to assimilate Ireland and Scotland in that respect. He thought that there was another course which it would be wise to adopt on this subject, and that was that when the holding was above a certain value, the whole amount of the rate should fall upon the tenant, so that there would be thus an inducement to the occupier, the only person who could give employment, to afford it. He knew of instances in which this would have a beneficial operation. Then, when there were arrears of rates, the noble Lord proposed to place a summary power in the hands of the landlord of ejecting the tenant from the land; that the tenant should be ejected by a civil bill; that, in point of fact, the landlord should be an instrument in the hands of the poor-rate collector, and that he should have more power for collecting for another than he had for himself. Another difficulty on this subject would be —what was proposed to be done with family settlements? He did not know from what date the noble Lord meant to commence; but those whose settlements were dated from the year 1838 would have less reason to complain than others, but it would remain for the noble Lord to show that it was impossible to exclude those who had mortgages and other charges on property from such a proposition. He had hoped that there would be a clause which would give further facility for emigration, and modify and amend a clause that passed in 1847, and that clause the noble Lord would find had been wholly inoperative. There was required the Poor Law Amendment Act facilities for the application of funds, and for permitting electoral divisions to levy an emigration rate in addition to other charges. He hoped the noble Lord would take this subject into consideration. He had read in an able weekly periodical, the *Economist*, with which he believed the hon. Member for Westbury was acquainted, an article in which the principle of the narrowing the area of taxation was the main foundation of all improvements. He knew, within the last month, of a number of persons being ejected, and when the agent was asked why he did not emigrate them, his reply was, that if he did so, it would cost him twelvepence in the shilling, whereas by putting them into the workhouse he had only to pay fourpence in the shilling, as two other persons having property there had to contribute equally with himself. He must remind the noble Lord that Mr. Twisleton stated that the point on which he was most urged by those whose opinions were entitled to great weight, was narrowing the electoral divisions. That which he desired should be an instruction to the boundaries commissioners would be to assimilate the electoral divisions in Ireland to the size of the parishes in England. He spoke of the whole of Ireland generally; but where there was mountainous land he did not desire it. What he asked, and what he insisted upon, as absolutely necessary for the fair working of the poor-law in Ireland was that, for poor-law purposes, the electoral divisions should be assimilated to the parishes in England; whereas, if the Government insisted upon a large area of taxation, he was convinced that all their labour would be vain. He did not underrate the difficulties which the noble Lord had to contend with, nor was he, nor those who acted with him, disposed to increase those difficulties by any conduct of theirs. The same feeling that had hitherto influenced them, should continue to actuate them; and when he felt it to be his duty to press particular topics upon the attention of the Government, they might rest assured that his only reason for doing so was, that he felt convinced they were absolutely necessary for the salvation of the empire.

Mr. W. FAGAN said, he fully agreed in the proposition that the ratio between population and capital in Ireland was daily becoming more distinct and marked; but, with regard to what had been said about the operation of the Irish poor-law, he should like to ask how they would have preserved the peace and the lives of the people of that country during the period of famine without such a law? He therefore protested against the practice of attributing the misery and destitution of Ireland for the last three years to the working of the poor-law. It was not fair to attribute the condition of Ireland, after three years of famine, to the operation of the poor-law. With reference to the limitation of the area of taxation, it was true that such a measure might be a stimulus to employment; but on the other hand it was admitted by all who had well considered the question, that it would also be a stimulus for clearances, and that it must be accompanied by a law of settlement. That was the opinion of Mr. Power, the assistant poor-law commissioner, and also of Mr. Twisleton, and others who had turned their attention to the subject. The noble Lord would allow him to express his regret that he had not taken into his consideration the peculiar position of the cities and towns, particularly the seaport towns, of Ireland. The city of Cork, for instance, was very much oppressed by the working of the poor-law. One of the greatest difficulties that the framers of the original poor-law for Ireland had to deal with was, how to meet the circumstances of the position of places like Cork; and to meet those circumstances a general union rating was adopted by this House, which, however, was changed into an electoral division rating by the House of Lords. But those who were the best authorities upon the working of the Irish poor-law, were of opinion that a general union rating would be a much fairer system, particularly as affecting the cities and towns. If those cities and towns were oppressed by the present system of rating—if they now complained of the inundation of paupers from a distance—if the corporation of the city of Cork had been obliged to grant, as they had recently done, the sum of 100*l.* for the employment of a police force to prevent strange paupers from coming into the city, then he would tell the noble Lord, that with his proposed new Bill this state of things would be materially aggravated, and the oppression become still greater, inasmuch as by reducing the maximum rate, the amount of the influx of paupers in periods of distress or famine, like those which the country had lately passed through, would be considerably augmented. In his opinion, the cities and towns which were liable to be thus inundated with pauperism, should have some assistance given them by the noble Lord's measure. Either a portion of the rate in aid should be allocated to them for the support of those strange paupers, or some other means adopted to do justice to them. He observed that the noble Lord did not contemplate making the landlords, who received rents from public buildings, liable to the payment of the rate; but if the existing poor-law were to be amended at all, that was an amendment which ought most certainly to be adopted; for as the law at present stood, the landlord of the custom-house at Cork, who received, 800*l.* a year rent, did not pay a single farthing towards the support of the poor.

Viscount BERNARD said, that he did not entertain the extreme opinions supported by some persons with regard to the diminution of the area of taxation; but he thought that they had, at all events, a right that the area in Ireland should be assimilated to the English system of parochial divisions. The working of the Labour-rate Act had convinced him of the impolicy of entrusting local authorities with the expenditure of money chargeable over a large extent of district, because, in that case, it was admitted that there had been an extravagant expenditure, by the granting of indiscriminate relief, merely because the money was to be drawn from the public exchequer, and not from the barony alone. A strong feeling existed on this subject in Ireland; and he thought that the public had a right to know at once what it was Her Majesty's Government intended to propose. It was his painful duty to preside at a meeting convened in the town which he represented, for the purpose of bringing under the notice of Her Majesty's Ministers the alarming distress of the western districts of Cork, Bantry, and Skibbereen. At that meeting, the agent of the Earl of Bantry stated publicly that the Earl of Bantry and his son had applied for 12,000*l.* under the Loan Improvement Act, that they had taken 2,300*l.* of that amount, but were unable to take the rest, because, from the way in which the electoral divisions were at present framed, the spending of that money in land improvement would in no degree diminish the amount of their poor-rates. If, however, the area of taxation were reduced, the Earl of Bantry's agent stated that they would be at once prepared to undertake the charge of all the paupers upon their property, though that property was one of the poorest in the district; but other parties would not co-operate. With regard to the non-payment of the advances for the erection of workhouses in some parts of Ireland, he believed that the objection to the payment arose solely from a feeling of indignation at the shameful manner in which the money had been expended. There was one difficulty with regard to the taxing of annuities and jointures for the relief of the poor, on which he wished to hear some explanation. Annuities and jointures were generally chargeable on the whole property, which might happen to be situated in several electoral divisions; and as the poor-rates often varied considerably in adjoining electoral divisions, he wished to know by what rule the portion of the rate payable to each out of an annuity was to be fixed. He regretted that the noble Lord at the head of the Government had not stated how he intended to meet this difficulty; and he also regretted to find that the noble Lord had not alluded to the subject of emigration. The evil that was now complained of was, that parties were emigrating to America who belonged to a better class of life than that of the labourers—unfortunately, the very people they could least wish to spare were going to America. Under the present system, the amount applicable to emigration was not sufficient to take out any material number of the population. In the union where he (Viscount Bernard) presided as chairman, he had proposed during last year to strike a rate for promoting emigration; but the project had to be abandoned, because it was found that they could not send out a sufficient number of the paupers to afford any relief to the union, as the vacancies that would be created in the workhouse, would be at once filled up by new applicants. He thought that the project of a maximum rate and a *2s.* union rating was involved in considerable difficulty. Thus, in his union, a *2s.* rating would yield 12,000*l.*, and therefore any reckless electoral division, having expended its own *5s.* rate, would be at liberty to claim 12,000*l.* additional from the union at large. In conclusion, he wished to express his conviction that no alteration in the poor-law would effect any permanent benefit, unless accompanied by auxiliary measures. He believed that one of the most important aids in the amelioration of Ireland would be the construction of railroads. The two most successful unions in the county with which he was connected, were those of Bandon and Mallow, and both had been greatly assisted by the extensive railway works carried on in them. He trusted that the Government would adopt some measure for the construction of railways through those parts of Ireland that were not provided with them.

Mr. POULETT SCROPE wished to say a few words before the Motion was agreed to. The improvements proposed by the noble Lord at the head of the Government involved merely the shifting of the burden of taxation as regarded the ratepayers; but what he (Mr. P. Scrope) wished to see was some improvement in the law as regarded the poor themselves, for whose benefit the law professed to have been passed; and he could perceive nothing in the noble Lord's plan at all relating to them. With regard to the outdoor poor, he hoped the noble Lord would take into consideration the propriety of allowing something in the shape of lodging-money for the houseless poor, and also of providing them with some sort of clothing, so as not to leave them, as they were described, in the reports of the inspectors, to be wandering about the country without shelter, and almost naked. He wished to know if clothing and shelter were not as much wanting to preserve life almost as food itself. So much for outdoor relief; but with regard to indoor relief, immediate change was equally necessary. The union workhouses in the distressed districts were described as being at present absolutely pest houses. One gentleman, the chaplain of the Kenmare workhouse, had described the inmates as being crowded together four and five in a bed, and without any means of changing the wretched and filthy clothing that they wore when entering the House. Again, in the Ballinrobe and the Ballinasloe unions, the mortality was described as averaging 100 a week. The poor people saw the workhouse managed in such a way that 100 burials went forth from it every week, and naturally preferred remaining to die out of doors, or if they did apply for admission, it was merely with a view of being provided with a coffin after death. There was one other point which he wished to impress on the noble Lord, and it was with reference to the responsibility of the poor-law officials. It appeared that numbers of paupers died of want, after having in vain applied to the relieving officer for assistance, and yet no responsibility attached to the official who was thus guilty of their deaths. The Poor Law Commissioners stated, he believed, that they would dismiss any relieving officer who was reported to them to have misconducted himself; but surely that was not sufficient protection for the safety of the public. Where such negligence on the part of the officer was followed by death, he ought to be indicted for manslaughter; and he was convinced that the example would have a most salutary effect in preventing the recurrence of the abuse, if criminal proceedings were taken in some proved case of this sort. Now, with regard to the powers of the poor-law guardians, he would ask the House to allow the Irish boards the same privileges that were allowed to the English boards. He would state an instance in point, as to the difference between the two countries. The Sheffield board of guardians, finding themselves likely to be overburdened with ablebodied poor, had taken on a long lease a piece of waste land, about six miles from the town, and employed their ablebodied poor in reclaiming it. They had taken fifty acres, which was the most the law allowed; they had erected upon it a subsidiary workhouse for the residence of those who were employed on the land; and when it was reclaimed and improved, they intended to sell this portion, and lease fifty acres more, and so on till several hundred acres were reclaimed. As yet, their proceedings had been eminently successful. Now, he could not see why the Irish proprietors should not have the same power. In framing the Irish poor-law, the noble Lord seemed to have confounded two things which were altogether distinct—the humane provisions of the 43rd of Elizabeth, which authorised the giving employment to the ablebodied poor, with that corruption of the practice which had crept in in modern times, of allowing a labourer in full work to obtain relief if his children exceeded a certain number. That abuse had very properly been put down by the 4th and 5th of William IV.; but there never was so great a mistake as to confound the two things together, and equally to prohibit both. With regard to the question of small areas of taxation, he should wish some of its supporters to define what they meant by it. [Mr. H. Herbert: The average size of an English parish.] It was notorious that wherever a parish was in the hands of a single proprietor, their attempts at clearances were most generally seen. What was the opinion of the Rev. Mr. Lilly, who had been brought up from the south of Ireland to give evidence before the Committee in favour of small areas of taxation? On being asked, what was the cause of the numerous evictions that had taken place, he answered that he believed they had been caused by the anticipation of the landlords, that in a short time a smaller area of taxation would be resorted to, and they were preparing for that by getting rid of the poor. With regard to the *Economist* newspaper, which had been referred to that evening, he regretted to say, that he had read in last Saturday's number a furious attack against the principle of a poor-law altogether, whether English, Scotch, or Irish; and his regret was increased by the rumour that that article had been written by one of Her Majesty's Government. He should conclude by again expressing his opinion that the Bill would not provide a remedy for the pauperism of Ireland.

Mr. H. A. HERBERT thought that he and his friends had a right, to a certain extent, to complain of the conduct of those who were opposed to a small area of taxation. When a Gentleman found that the arguments used on his (Mr. Herbert's) side of the House were unanswerable, what did he do? Instead of attempting an answer, he put into their mouths arguments which they never used, and statements which they never made, and then he turned round and demolished the case which he had himself raised. Thus the hon. Member for the city of Cork stated that the hon. Member for Northamptonshire attributed the miseries of Ireland entirely to the poor-law. His hon. Friend had said no such thing. Still less was it their wish to say, as had been represented, that Her Majesty's Government had not had great and tremendous difficulties to contend with—difficulties which, the more he reflected on them, and the more he knew the circumstances of the country, the more he saw their magnitude. But what he and his friends did say was this—that these difficulties had been increased and aggravated by the poor-law—by the large electoral divisions; so much so, that even in the distressed districts one of the poor-law inspectors had given his opinion, that if the small area of taxation had been adopted two years ago, the difficulties of Connaught would have been much less, and that, even now, though most part of Ireland was sinking into the abyss of despair, yet the distress would be much alleviated if the small area of taxation were adopted. The hon. Member for Cork city had also stated that it was admitted by every one that the small area of taxation tended to clearances, thus throwing upon them the odium of advocating a system which they knew would lead to clearances. He totally denied that such was the tendency of the system if it were guarded by a law of chargeability, which would not be difficult to work. How could they say that the system would tend to clearances, when it was notorious as day that clearances were now going on—when the Chancellor of the Exchequer stated, that in one union alone—the union of Kilrush—13,000 persons had been evicted? If any man would examine the subject, he would find that in proportion as the area of taxation was large, so was the number of evictions; and in proof of it, he might state, that in the union of Kilrush, where evictions had been carried to such an extent, the electoral districts averaged 11,000 acres each. With regard to the amendments which the noble Lord the First Minister of the Crown had introduced, he must say, that he would much rather have the Bill as it stood at present. He did not say that the amendments did not contain much good; but, with regard to the 2*s.* union rating, he must say, that, if there was one thing wanting to prostrate the spirit of industry in the rural districts of Ireland, it was that. Take the case of two electoral divisions in one union, which contained at present an equal amount of pauperism, and which required a 7*s.* rate each for the maintenance of their paupers. Suppose that the proprietors and occupiers in one of these districts should combine, and give employment to the poor, and thus reduce the rate to 2*s.*, while in the other division nothing was done, and the rates continued to amount to the maximum; could anything be more unfair than to come upon that division which had already made such sacrifices for the employment of its own poor? He thought the noble Lord underrated the magnitude of the difficulty he had to deal with. The noble Lord said, that by the returns there were 70,000 ablebodied persons entitled to relief—

LORD J. RUSSELL: By the return of last July, 70,000 persons with their families.

MR. HERBERT said, that was what he wanted to show; because he wished to show the utter fallacy of relying upon returns in a question of this kind. That return did not represent the whole number of ablebodied poor; for, in fact, the poor-law guardians were, in all cases, most unwilling to resort to the system of giving outdoor relief to the ablebodied poor; and, rather than do so, they in many cases put down men as infirm who ought to be considered as ablebodied; and, indeed, such was the emaciated state of the people at present, that the boards of guardians were justified in so classing them.

MR. GRATTAN complained that this Bill did not bring before them the whole question of Irish pauperism; for the noble Lord at the head of the Government had told them that there were some points which would be provided for in another measure, to be afterwards brought in. He thought it was better that they should have the whole case before them; for, otherwise, not only was the measure incomplete, but it excited suspicion. One part of the noble Lord's speech had given him hope—where the noble Lord said that this measure would meet the difficulties of Ireland in ordinary times: but what was to remedy the present emergency? Some hon. Members talked of emigration; but when did they read in the history of any country, that where there were 14,000,000 of acres, 4,000,000 of which were lying waste, they sent away the best part of the population, and retained the weakest? What, then, did they mean to do? They talked of being Christians, and yet they suffered the poor to die and to remain unburied, leaving the corpses to be torn to pieces by dogs, or to have the eyes picked out by the fowls of the air. Hear that, Gentlemen of England! Shut your eyes you may; shut your ears you ought: it is a misfortune to us; but it is a disgrace to you. The true remedy would be found in sending the Irish landlords back to do their duty in Ireland. The Romans would have done that; the Greeks, with all their republican notions, would have done it; but you have not the courage to do it because your pocket gains by it. But now the day of retribution has come, and I rejoice that, in the decree of Eternal Providence, you are called upon to support the poor Catholic whom you have oppressed. I rejoice that there is a God in heaven who has punished you at last. England took the money of Ireland, and then grumbled because she was required not to let that country perish. In Ireland insurrections were conveniently got up to hide the distress of the country. A body of officers had been sent over to Ireland to spy out the nakedness of the land, under pretence of distributing Indian meal; but, nevertheless, 170,000 of the best men of the country were obliged to leave it. How hon. Members from Ireland could support an income tax of 7½ per cent for a perpetuity, while they rejected a rate in aid of 6*d.* in the pound for a couple of years, passed his comprehension. The single question was, whether the Union with Ireland was real or fallacious. The people of Ireland had been driven to other countries, from whence their sons would come back with rifles on their shoulders—so, at least, it was said—but he trusted it would be otherwise. Many plans had been proposed for Ireland; but that of the right hon. Baronet, as well as that of the noble Lord, was a total failure. He had a letter from a lady whom he never saw, who said that all her rents went to pay the ablebodied poor, who had shot several of her servants, and therefore she would not go to live there, not she. But who were those new comers to be who were to supersede the old landlords of Ireland? Were they to be chosen upon the plan of James's settlement of Ulster, or of Charles's plantation? The ruin of the country was laid at the doors of the Irish landlords of Ireland; but it was not a matter of recent growth, nor was the gradual decay confined to estates that were encumbered. He knew of one estate which had been purchased a few years ago for 89,000*l.*, which he was offered lately for 50,000*l.* And one cause of the depression was, that, after a long course of bad legislation, the English gentry, and the press of England, had represented the people of Ireland as incorrigible. They had damned the Irish people as lazy and idle, and irreclaimable; and after having run them down, they turned upon the landlords, all of whom they classed in the same category; and now they came forward, after they had beaten down the value of the land to fourteen years' purchase, and, giving them the same choice that had been given under the former settlement of Ulster, they left them to go to Connaught if they liked, or to hell if they preferred it. Their tenure of Ireland was, consequently, not of love, but of 40,000 armed soldiers, and 14,000 policemen. They had complained of the rebellious spirit which existed there; but what else could be expected? They talked to the Irish about the gratitude they owed to England. They talked about English benevolence to Ireland. The Irish did not want their benevolence. They wanted justice, and it was no justice to take away their gentry and their nobility—to drive into another land their middle classes and their farmers, and then to turn round and shut the doors of their national exchequer. They had asked for a small sum to relieve the distress of the Irish people a short time ago, and the hon. Member for Montrose, who was in other respects a very excellent man, refused, with true Scotch economy, to vote for it. Money would be freely taken for a Caledonian canal, but it could not be advanced to relieve Irishmen from starvation. Those petticoat Gentlemen had no hearts, as they had no breeches pockets. He saw no cure for the condition of the people of Ireland, but the restoration of their native Parliament, and allowing them to legislate for themselves. A great change had come of late over the minds of the gentry of Ireland upon the subject of the native Parliament; and he asked the noble Lord at the head of the Government, had not the Lord Lieutenant of Ireland come over to this country lately, and recommended the experiment of rotatory Parliaments? They had discovered now that their coercive policy in the late trials for treason and felony had been mistaken. He (Mr. Grattan) told the Government, when they introduced their Treason Felony Bill, that they would risk the obtaining of verdicts altogether by such a course of legislation, and his prophecy had been fulfilled. They had made Mr. Duffy not only a martyr, but a victor. It was high time they tried a different course. He knew landed proprietors in Ireland who did not owe a single shilling in the way of encumbrance or mortgage, yet whose estates were daily regularly diminishing in value. He knew an estate in the county Monaghan, the property certainly, he should say, of an absentee, which produced, up to the year 1846, a clear rental of 1,200*l.* a year; in 1846 it diminished to 1,000*l.*; in 1847 it fell to 700*l.*; in 1848 it came down to 600*l.*; and in 1849, reckoning to the 1st of January, it produced only 566*l.*; having thus fallen, in the course of five years, more than one-half. He knew of another estate, in the county Longford, which produced, up to the year 1845, 1,500*l.* a year; in 1846 it fell to 1,200*l.*; in 1847 it produced only 1,000*l.*; and in 1848 it came down to 868*l.*; and those were only specimens of a regular, general, and national sinking. He asked the House, did they remember when Mr. Leader, the then Member for the county Cork, said, many years ago, that they mistook if they thought the evils of Ireland were of a temporary nature. He said, "There is a general sinking of the country; trade after trade, and manufacture after manufacture, is falling, and will go altogether unless something be done." And they had lived to see the prophecy fulfilled. There was an estate in the county Cavan, which, in 1844, produced 1,170*l.*; in 1846 it produced 940*l.*; in 1847, 600*l.*; in 1848, 500*l.*; and in 1849 it had fallen to 400*l.* Let the noble Lord not go to sleep whilst he was stating such frightful facts. Those plantation men of Ulster were beginning to be aroused. The propositions of the Government were violently opposed to their feelings. The landlords were already heavily taxed. He knew instances in the province of Leinster where the landlords, after having paid the rates imposed upon them, and after having besides taxed themselves for the relief of the poor, were now assessed to poor-rates to the amount of 11*s.* in the pound. With such a condition of things they were called on to pay more. He hoped the noble Lord would not be allowed to follow a course which was calculated to excite disaffection and rebellious feelings, and that there would be Irishmen found who would still preserve the connexion between England and Ireland in spite of the Government themselves. He called upon the noble Lord to come forward, not with those miserable expedients, but with some comprehensive measures, not mixed up with national hatred and religious hostility, but calculated to rescue the country from its present miserable condition, and the Irish people from the jaws of famine and of death.

Sir R. PEEL: I am exceedingly sorry at having heard the speech of the hon. Gentleman the Member for Meath. I am exceedingly sorry that it was my misfortune to have been present during that speech. I am most unwilling that any impediment should be thrown in the way of the hon. and learned Gentleman the Solicitor General bringing forward what I believe to be a measure of the deepest importance to the welfare of Ireland; namely, a measure for facilitating the disposal of incumbered estates in Ireland; otherwise, I think the House would permit me to have some opportunity, before these Irish debates close, of rectifying some great misconceptions which have taken place with respect to the suggestions which I recently offered — suggestions which I offered in no spirit of party feeling; from no wish to embarrass Her Majesty's Government—suggestions which I offered from the deepest sympathy with the suffering condition of Ireland, and from an earnest hope of contributing something to ameliorate her condition. Of all the misconceptions which have taken place, however, the only one which I shall now notice is the one which the hon. Gentleman the Member for Meath has fallen into—a misconception of the utmost importance—which is calculated to excite the deepest feelings in Ireland—which it is impossible for me to listen to and to remain silent, for fear an inference might be drawn that, having been present, and having heard it, and remained silent, I acquiesced for one moment in the justice of it. The hon. Gentleman seems to suppose that I made some proposition, in a sectarian spirit, for the purpose of depressing the Roman Catholics and driving them out of their present holdings, with the view of substituting a Protestant population. Now, Sir, the very last thing that would enter my mind would be to injure the Roman Catholics by substituting a Protestant population in their stead. My object was to elevate the Roman Catholics, to improve their condition, and not to gain any paltry advantage by introducing in their place the members of any other faith. When did the hon. Gentleman hear from me the proposition that, in case there should be a redistribution of property, the Protestants should have the advantage? Was I not aware that the Roman Catholics had a large amount of capital which found no vent in the purchase of landed property? Did he think I was not aware that it was stated by the Commission over which the Earl of Devon presided, that one great evil in Ireland was, that there was a large amount of accumulated property in trade and commerce which found no opportunity of investment in land? Does the hon. Gentleman suppose that, in case of facilities being granted for the purchase of land in

Ireland, I wished to exclude the Roman Catholic merchants of Cork and Waterford from having an opportunity of making an investment which they cannot now make on account of the barbarous tenure of land? The hon. Gentleman says, I wish to drive the noblemen and landed gentry out of Ireland. [Mr. GRATTAN: I did not say that, but that such would be the result of your scheme.] No, Sir, you attributed this motive to me. I said no such thing. I wish to drive out no man; I wish to do no violence to the rights of property. But, what I say is, that if there are nominal proprietors who have no real interest in the land, who derive small incomes from it that are frittered away, not in the improvement of the land, but in law expenses in Dublin; that if I can give them facilities for rescuing themselves from their embarrassed condition, and transferring their estates to others who will perform the duties incumbent upon those who hold land, I am not injuring them; I am, in fact, doing them a benefit instead of an injury, and I am at the same time conferring an advantage upon the country, by enabling men with new capital and new hopes, new feelings and new aspirations with respect to its application, to occupy, to the extent which they can occupy, consistently with the maintenance of the rights of property, the incumbered and vacated soil. Injure the Roman Catholic peasantry by the measure I proposed! Why, Sir, did I not hear the other night the Chancellor of the Exchequer say that, after four successive years of famine, in one union 15,000 persons were driven from their homes helpless and friendless? Is that a state of things which the hon. Gentleman would wish to retain? I ask now, if there is in Algiers, or in the Punjab after your successful military operations, or in any other portion of the civilised or barbarised world—will you show me a country, I ask, in which 15,000 people have been driven helpless and homeless from their houses, and exposed to the inclemency of the weather? And yet here is one union in which that has taken place. I confess, that ever since I heard it, I have dwelt upon it in the hope of hearing that it was untrue. Just consider for a moment what is the case—that the strength of the people having been diminished by four successive years of penury and privation, there should be, not in ten, not in twenty, but in one union, 15,000 human beings, driven out by evictions, ejectments, and legal processes, from their houses, helpless and friendless. When I offered my suggestions, my main object was to remove from the minds of the people of England the prejudice which might remain, after the great expenditure which had taken place. I was afraid that after expending 9,000,000*l.* or 10,000,000*l.* in rescuing Ireland from her difficulties, they might be unwilling to contemplate the magnitude of the subject—and my object was to remove their prejudices; and, above all—for I cared not about my plan or my suggestion—to impress upon the House of Commons that, notwithstanding the past expenditure, it was your real interest, in point of justice and policy, as well as in point of pecuniary consideration, to apply yourselves to the condition of Ireland, in respect to which I believe every other consideration to be subordinate—that so far as Englishmen are concerned, looking to the prospects of the future, there is no question—not the navigation laws nor any other—that approaches it in point of importance. What I said was, that if I can, consistently with justice to the nominal proprietors who are encumbrancers upon the estates, facilitate the transfer of their land to others who have the means, and who will enter upon it with new views and new hopes, I shall not only benefit those who are in this miserable condition on account of the encumbered position of their estates and the existing legal difficulties as to their transfer, but I may possibly lay the foundation—not for immediate improvement—that I never contemplated—but the foundation ultimately of a better order of things. After careful reflection I retain my deliberate conviction that all your other measures, the rate in aid, the alteration of the poor-laws, the advance of money for railways, will all do positively nothing, unless you can remedy that which I believe to be the great social evil of Ireland—the difficulty of effecting the transfer of land to the possession of those who are competent to discharge those duties which the possession of land involves. When I spoke of the settlement of Ulster I knew perfectly well the construction that would be placed upon the reference. I knew perfectly well there would be persons who would say that I was proposing in the 19th century that which might have been tolerable in the 17th. I knew it would be asked, "What does he propose to do? Does he propose to drive the Roman Catholic inhabitants to Connaught, or to hell?" Not to Connaught, certainly, for that is the district with which I proposed to deal; and as to the other, it is the last which I should intend. I said that I was aware that it was a fatal blot upon the plan of James I. that it made religious distinctions—that it gave religious preferences—that it desired to expel the Roman Catholic inhabitants, for the purpose of introducing others upon whose allegiance there was a greater claim. I said this for the purpose of preventing the possibility of my being subjected to the charge which after three weeks has been preferred, that it was my object to expel the Roman Catholics. I have no such object. What I wished was, by creating a demand for labour, to give the Roman Catholic peasant an opportunity of maintaining himself in independence. My object was to secure to the Roman Catholic labourer, if possible, 8*d.*, or perhaps 1*s.* a day—for that must be the foundation for all improvement in Ireland. I never believed the doctrine by which some have attempted to relieve themselves of the obligations belonging to them, that there is any inherent inability or indisposition to work on the part of the Irish labourer. I ask any English gentleman, who has met an Irish labourer on the road, and has entered into conversation with him, as I make a habit of doing whenever I meet one, whether he has not left him with an admiration of his acuteness and his natural politeness, and with an impression that Nature never intended him for a serf? It is sometimes supposed here, that the Irish peasants are a turbulent class of men, whom no law can restrain, and no cultivation improve; but I ask those who have seen them in the counties of England, whether it is possible to see men more obedient to the law,' more patient and forbearing under much provocation, more industrious, more desirous to remit small sums to their friends out of the proceeds of their severe labour, for the purpose of paying their rents or keeping their families out of the poorhouse? I therefore repudiate the doctrine that there is some inherent slothfulness or inactivity or want of enterprise in the Irish peasantry. At the moment when the hon. Member was charging me with a desire to expel the Irish landlords, and introduce English ones, I was engaged in reading a letter I had received—one of the many I am receiving every day—which gives an account of an English company, their application of capital to Irish property, and the consequences of it. It is an account of the proceedings of the Drapers' Company, who are entitled to a large estate in Ireland under the settlement of James I. The Drapers' Company proceeded for a long time in giving a lease constantly renewable to a single family. In 1817, however, the lease fell out, and the company refused to renew it to the Rowley family, the lessees. This company of English merchants and tradesmen residing in London, with no intimate knowledge of Ireland, but influenced by the spirit of Englishmen, and by the sense of justice of Englishmen, determined to make an inquiry about their property. The state in which they found it is described in the first report of a deputation which they sent over to Ireland in 1817:—

"'The bulk of the holdings would be inconsiderable in point of quantity, even if entire, but when subdivided are very small. There is a cabin, and sometimes two on each holding and subdivision of holding. These cabins are mere mud huts, covered sometimes with straw, at other times with reeds, or swards, and are but rarely water-tight. The natural soil is the floor. Sometimes there is a hole in the roof to serve for a chimney, at other times the door serves as the channel for the exit of the smoke, and generally, but not universally, there is a partition between that part which is devoted to the use of the family, and that part which is applied to the use of the cow, the horse, the goat, or the pig.' And their course of husbandry is thus described:—'They grow nothing but oats, potatoes, and flax, and the course in which they follow each other seems rather to be accidental than regular; the same piece of land is frequently sown two years successively with oats. The small quantity of manure which is made upon the farm is applied to the potato crop; fallows are never made. The land is sometimes said to be laid down in grass, but no grass-seeds of any sort are ever sown. None of the leases contain any covenants or stipulations as to the course of crops or cultivation of the land; in every respect, every lessee is as much at liberty thereon as if he was the owner of the fee. It would not be literally true to say that there is not a hedge or a tree upon the estate, but there are so few that no advantage can be derived from them.' Such was the condition of the Drapers' estate in 1817. The company, however, were not discouraged. They went to work with the zeal, energy, and perseverance, honesty of intention, and singleness of purpose, the characteristic qualities of the British merchant; and such has been the success of their labours that not a trace remains of the condition of the estate as described in the above report. Comfortable, neat, and substantial farmhouses and cottages, with suitable offices, have been substituted for the smoky cabins. The farms have been enlarged and fenced, an improved system of agriculture has been introduced, the subdivisions of farms prohibited, leases have have been made on the most approved plan of English farm leases, with covenants for making and maintaining improvements, and for enforcing a proper rotation of crops, and these covenents have been rigidly enforced. Wild, and previously impenetrable districts, have been opened by judiciously formed roads, extensive plantations of timber, as well as ornamental trees, have been made, and are now in a flourishing state. Moneymore, the principal village on the estate, has risen from a poor hamlet into a prosperous town."

Did this company, however, proceed in a sectarian spirit? Did these Protestants, deeply attached, no doubt, to their own religious views, neglect the fair claims of those who differed from them? No—

> "A handsome church and Presbyterian meeting-house have been built in it at the sole expense of the company, and liberal contributions made for the improvement of the Roman Catholic chapel, and an annual salary is paid by the company to each minister of those respective places of worship. There has been also built in the town by the company an excellent, and now much frequented hotel; and the trade in it has increased so much as to require the establishment of a branch from one of the Belfast banks."

The example thus set by the Drapers' Company has been followed, I believe, by the Fishmongers and other companies. I confess that I look to great advantages arising from the introduction of new capital and new views into Ireland; and my firm conviction is that the relation of the Roman Catholic to the soil will be greatly improved thereby. As I happened to be reading the letter from which I have just read an extract to the House when the hon. Gentleman the Member for Meath attributed to me those views, with respect to the banishment of the Roman Catholic population, I could not resist the temptation of replying to the hon. Gentleman and rectifying his misconception. I trust I have now satisfied the House that it would be my last object to injure the Roman Catholics. As I am unwilling to prevent the hon. and learned Gentleman the Solicitor General from stating the views of the Government with respect to the measure they contemplate, I shall not attempt to notice any other misconceptions; but I could not be present and hear this misconception without removing what, if justifible, must have created, among the great mass of the population of Ireland, a most unfavourable and unjust impression.

Mr. GRATTAN said, he had made no such charge at all as the right hon. Gentleman imagined. He had merely stated what he believed would be the result of the right hon. Gentleman's plan if it were carried into effect. But he never thought of charging him with having any such intentions.

Sir R. PEEL said, that the hon. Gentleman had alluded to certain periods of history which would lead to the supposition that something of a similar kind to the course then pursued would be adopted were his (Sir R. Peel's) plan to be carried into effect.

Mr. J. O'CONNELL said, that whatever might have been the misconception upon the mind of the hon. Gentleman the Member for Meath, he believed the Roman Catholics of Ireland laboured under no such mistake. The general opinion in Ireland amongst Roman Catholics was favourable to the plan proposed by the right hon. Baronet. Sharing, as he did entirely with the right hon. Gentleman, the desire to hear the details of the measure about to be proposed by the hon. and learned Solicitor General, he should not detain the House further upon the subject than to say that he did not think, with his hon. Friend the Member for Meath, that the right hon. Baronet's plan would tend of itself to increase the abominable clearance system in Ireland. The noble Lord proposed to tax jointures, but such a step would be the infliction of a great grievance upon a defenceless class. If they intended to embark in this method of taxation, why not interfere with mortgagees, and prevent them from foreclosing? He hoped, too, that the quarter-acre clause would be suspended. What they wanted, however, was, that Ministers should speak out, and give the country some insight into what they intended to do. There was one great scheme before the House, that of the right hon. Baronet the Member for Tamworth; and he wanted to know whether the Government intended to propose any great and comprehensive plan in opposition to it. As matters at present stood, there was nothing of the kind brought forward by the Ministry—their paltry and peddling plans standing in disgraceful contrast with the great and bold measure of the right hon. Baronet opposite.

Mr. O'FLAHERTY begged to assure the right hon. Baronet the Member for Tamworth that his proposition had been received by all classes, rich and poor, and by the clergy of every denomination in the western part of Ireland, with the greatest possible favour, and that when it was brought forward in a substantial form, as a matured plan, it should receive his best support. He regretted the amendments in the poor-law had been brought forward by Government before the report of the Committee had been presented to the House, and thought that such a course was unfair, at least to those hon. Gentlemen who composed it. It was with great disappointment he perceived the noble Lord at the head of the Government had not come forward with some large and comprehensive proposition to remedy the present state of Ireland. He (Mr. O'Flaherty) spoke from that (the Opposition) side of the House for the first time. He should continue to do so, for he found he could no longer sit on the Ministerial benches. He had waited patiently to the eleventh—he might say indeed to the twelfth—hour, but he could wait no longer; and, unless the noble Lord changed his proceedings, he should refuse him his support, and give it to any one who came forward with a proposition for the service of his country. Ireland had been deluded on all sides of the House. Whenever any proposition for coercion was brought forward, Whigs, Tories, Protectionists, and every other party, were pretty sure to vote for it; but they never proposed any generous measure for the relief of the evils of Ireland. He, as an independent Member, would support any party who introduced such a measure by all the means in his power.

Mr. BRIGHT was of opinion that the hon. Gentleman who had just resumed his seat, had done the House some injustice. He (Mr. Bright) however admitted with him that coercion had been the rule rather than measures of real justice towards Ireland. The right hon. Baronet the Member for Tamworth had that night fully admitted, though not in so many words, that much of the present evil of Ireland was attributable to bad laws. All who had taken office, and all who held office, might take some blame to themselves in this matter. The right hon. Baronet was doing now what was calculated to atone in some measure for that share in the mischief which he had in his long political life been instrumental with others in inflicting; and he (Mr. Bright) believed that the noble Lord at the head of the Government — who, on the other side of the House, had promised a great deal, and who, on that, the Ministerial side, had not done much, was now convinced that a more energetic course of action than had before been adopted was now rendered necessary for Ireland. For himself he could say that although he believed he had found as much fault with the House as any hon. Member in past times for its legislation with regard to the sister country, and especially with reference to land, he was willing now to forget past differences—to let bygones be bygones—and he hoped one side of the House would not waste time in blaming the other, but that they would one and all leave party squabbles alone, and proceed at once to an honest consideration of this highly important subject. If he were disposed to find fault, he could retort, not upon the hon. Gentleman the Member for Galway, perhaps because he was a young Member of the House, but upon the Irish Members generally, because, though they had been prone to find fault with everybody, they had been so unfortunate in those propositions they had attempted to submit to the House, that they were not agreed amongst themselves with respect to the propriety of them. This was one of the greatest misfortunes Ireland laboured under; and he attributed it, in a great measure, to the state of the representation in that country, for the Reform Bill as regarded Ireland had been a sham and nothing more. And though the Irish Members at present in the House were excellent in their way, yet he thought that if there was a free and full representation of the people of Ireland, the condition of the Irish representation would then be very considerably improved. On several former occasions he had spoken to the Irish Members on this subject. They admitted that they had not been successful in proposing measures to the House. Even this Session they were divided. He thought the hon. Gentleman the Member for Galway need not to have gone over to the protectionist side of the House for the reasons he had stated, because when good measures emanated from either side, he (Mr. Bright) hoped that he should be always ready to support them, irrespective of party. He thanked the right hon. Baronet the Member for Tamworth for the speech he had delivered on a former occasion, and also for the speech of that night, for, though there was nothing absolutely new in what he said before or now, yet truths the most common, if they were stated by the right hon. Baronet or by the noble Lord at the head of the Government, possessed an influence not only in Ireland, but in Great Britain, and throughout the world; and the whole world, under such circumstances, were inclined to believe that which men of their character were disposed to recommend. He confessed that in his opinion, now, they had passed the time of difficulty with regard to Ireland, and that in future they would have a more sensible species of legislation adopted for that country.

Lord J. RUSSELL said, there was one course which might have been taken by hon. Members, and which had, indeed, been followed by the hon. Member for Northamptonshire, namely, the somewhat inconvenient course of discussing, without seeing the Bill before them, its several provisions, and of pointing out the merits and defects of the various provisions of the measure. There was also another course open to them, which would have been, without discussing the merits or defects of the present Bill, to have allowed him (Lord J. Russell) the opportunity of bringing in his Bill; to have deferred the discussion upon it to some future stage; and to have heard his hon. and learned Friend the Solicitor General state the several provisions of the measure he was about to introduce. But the third course was that which seemed to please hon. Members the most, and it was to attack the Government and all its Members for not having introduced measures of the nature of that which his hon. and learned Friend was about to introduce. Now, that he certainly could not think a very reasonable course. The long speeches in which some hon. Members who made those complaints had indulged, had hitherto prevented the explanation of the measure of his hon. and learned Friend. As hon. Members did not wish to discuss the provisions of his Bill for the amendment of the poor-law, he did not wish to enter upon its provisions, as he admitted it would be an inconvenient course. It would be, therefore, far better to allow him to bring in his Bill, and then to allow his hon. and learned Friend the Solicitor General to explain his measure to the House.

Sir H. W. BARRON would not have troubled the House with any observations, had it not been for the extraordinary attack which the hon. Gentleman the Member for Manchester had thought proper to make on the Irish Members. It was said that they did not care for these attacks; but yet they were published in the newspapers, and blazoned forth to the world; and it was because he wished that the antidote should go forth with the poison that he now rose to address the House. Did the hon. Gentleman imagine that the Manchester school was to guide the British nation, and lecture the Irish Members? Manchester doctrines might be very agreeable at Manchester, or at other places in the north of England, where the hon. Gentleman was in the habit of congregating with his friends; but he would tell the hon. Gentleman that there was not more division amongst the Irish Members than he could point out amidst the English Members. Without going further than the bench under him (the Treasury bench), he would ask, were the hon. and right hon. Gentlemen who occupied seats thereon, agreed on matters of public policy? He wanted to know if the hon. Gentleman the Secretary to the Admiralty agreed with the noble Lord at the head of the Government on the Irish Church Appropriation Clause. He wanted to know if the hon. and learned Member for Hull agreed with the right hon. Member for Taunton on the navigation laws? and he wanted to know if the right hon. Baronet the Member for Tamworth agreed with the hon. Gentleman who sat next him—the hon. Member for Buckinghamshire—with regard to one of the main questions of the House, the question of free trade? These were matters of great public policy; and when an attack was made on Irish Members for their want of unity, he wanted to ascertain the amount of difference which existed between them and the English Members. Never was there an accusation more absurd than that which had been made by the hon. Member for Manchester. It was part and parcel of the Manchester school to taunt the Irish Members; but he would retort on the hon. Member, and tell him that it was because they themselves were self-sufficient—that it was because they thought themselves superior to the rest of the world—that they taunted all who dared to differ from the Manchester school. He would tell the hon. Gentleman that it was the policy of that school which had brought Ireland to ruin and to misery. England possessed her manufactories, her riches, and her capital, by aid of which she could survive the shock; but Ireland was solely an agricultural country—the sole dependence of her inhabitants was the land and its produce. There they had no manufactories to fall back upon—and there had they landlords, tenants, labourers, all become involved in the ruin brought on by the Manchester school.

Leave given. Bill ordered to be brought in by Lord John Russell and Sir William Somerville.

INCUMBERED ESTATES (IRELAND).

The SOLICITOR GENERAL said, that it was not his intention to make any preliminary statement which might interfere in any respect with the explanation which it was his duty to lay before the House. But it was necessary, in order to make that explanation intelligible, to recall to the recollection of the House what had been done by the Incumbered Estates Bill last Session, and to recount the difficulties which had been experienced in carrying that Bill into operation. By that measure it had been proposed to effect the sale of incumbered estates by two different plans united in the same Bill. One of these plans was, to effect a sale under the authority of the Court of Chancery; and the other was to dispose of an estate not under the authority of the Court of Chancery, but by a sale in which the purchase money should be paid into that court, and be by it distributed amongst those interested after the estate had been disposed of. Both of these plans had, however, up to the present time, been wholly ineffectual. Now, he must avow his belief that, totally independent of the measure itself, there had been peculiar circumstances connected with Ireland which would have made it very difficult for any measure to succeed. The House would bear in mind that it was essential to the success of a plan of this kind that a class of purchasers should exist; and to find individuals of that class was the great difficulty of those who wished to dispose of land. He did not therefore attribute the failure of this Bill hitherto to the difficulties of the Bill itself, although undoubtedly there were considerable difficulties imposed by its provisions. In the first place, it was found that very considerable delays must take place before a purchaser under the Act could be put in possession of an absolute title. These delays would sometimes extend to a period of five years; and there was a complicated system of registers necessary, involving applications to the Court of Chancery. In addition to this, it was also necessary to show that an estate was to be sold for its full value. The money was then to be paid in, and afterwards distributed amongst the persons having beneficial interest. Now, it was manifest that these delays and conditions were serious impediments to the working of the Bill. The object at present was, therefore, to get over them. There had been difficulties, too, attending the other mode of sale. There were great delays occasioned by the necessity of the preliminary investigation, after which only the court was enabled to give a proper title to the purchaser; and further delays consequent upon the necessity of ascertaining who were the proper receivers of the purchase-money; any person about whose mortgage or debt the least doubt existed being compelled to prove his claim, so that no money could be paid until after a series of complicated questions of law and questions of fact had been raised and set at rest. Of course all these forms and proceedings had been productive of great expense. He had now endeavoured to obviate the objections which he had stated, by resorting to a course which was not new, and which had been under the consideration of the Government for some time. They had decided that it would be best to create a commission to perform, in respect to incumbered estates, the functions now discharged by the Court of Chancery—a commission which would, however, perform these functions unfettered by the rules and clogs which at present existed, and which would be able to execute its duty without the expense arising from fees and the antiquated system which could not be removed from the Court of Chancery. Now, in the adoption of this course, they were not without a precedent, and a precedent, too, from which cheering omens of success might be drawn. He alluded to the West India Commission. That commission was entrusted with the payment of 20,000,000*l.*, and with the performance of duties analogous to those contemplated now. It had to inquire into the ownership of estates, and into the claims of incumbrancers according to priority; and that commission had performed its functions not only without blame, but with great rapidity, little expense, few appeals, and general satisfaction, both on the part of the persons on whose rights it had adjudicated, and on the part of the public at large. The Government now proposed to appoint a commission, to consist of three paid commissioners and a secretary. It proposed that they should follow the course adopted by the West India Commissioners—that they should themselves frame a set of rules for their own guidance—that these rules should be submitted to the Privy Council in Ireland, and having been sanctioned by that body, and also laid on the table of the House, that they should have the same force as if they were parts of the Bill enacting the commission. It was further proposed to give the commission power to alter and reform these rules as circumstances should seem to require. When the commissioners were thus established, it would become their duty immediately to proceed with the discharge of the functions entrusted to them. He ought to mention that, in allowing the commission to frame rules, it was proposed not to allow them to frame any rules which might have the effect of levying fees from suitors. Considering the importance, too, of the commission, it was not thought desirable that it should have any other than a period of temporary duration. It would be very desirable to ascertain how it performed its functions previously to anything like a permanent enactment being brought in. They proposed, therefore, that the commission should deal with matters in which application should be made within the space of three years from the constitution of the commission. It was necessary that the commission should last some time more than three years, because it might have many duties to perform on an application being made. It was proposed, then, that the commission should endure for two years after the final period for application being made to it. Furthermore, the Government proposed to invest this commission with all the powers possessed by the Court of Chancery, for the production of title-deeds and evidences of title. It was not proposed that the commission should have any functions or duties to perform, except in cases in which application had been made to it; but when such application had been made by any owner or incumbrancer of any estate, then it would be the duty of the commission, having made such deliberate inquiry into the case as they thought proper, to proceed to the sale, and conclude it in such a manner and in such portions as they should consider most advantageous for the parties interested. It was proposed that the conveyance should be in the form specified in the schedule of the Act—a form with which legal Members of the House would be familiar, as it was similar to that used in the transfer of Crown lands. On the sale being effected, the commissioners would issue a certificate to the purchaser of the property, who, upon obtaining it, would possess a title beyond which it would not be necessary to go. The title would be considered perfect and complete from that period. It was also proposed, as considerable difficulties might arise in various instances, that the commissioners should have the same power of putting the purchaser into possession of the land as a sheriff would have in the execution of a writ of possession. It would, therefore, not be necessary for the purchaser to bring an action of ejectment to obtain possession of the property. The purchaser would be thus put as early as possible, and by as simple a process as possible, in possession of the land, and no person would be permitted to interfere with that land by reason of anything anterior to the specified period. It was proposed that the money should be paid into the Bank of Ireland, in the name of the commissioners, and that, upon its lodgment, it should be divided amongst the various parties entitled to it, without delay. It had been felt that it would be introducing a new element between the relations of mortgagor and mortgagee to allow the money to remain in court for any length of time, and that injustice would be done if the distribution of the money did not immediately take effect. Of course, in several cases doubts would arise as to who were the persons entitled to property, and in such cases the commissioners would have to decide. With respect to those properties the titles to which were not in dispute, the purchase-money would be received at once. Questions with respect to the rightful possession of incumbrancers, might also arise. It might happen that possibly a property might be disposed of which ought not to have been touched, but in the present emergency Her Majesty's Government had not thought it necessary to retain any fund as a security against such possible contingencies. In Ireland, although estates might not have good marketable titles, it might not be so difficult to ascertain the incumbrances upon a property. It would be the duty of the commissioners to ascertain that point, and adjudicate accordingly. To show that the commissioners could beneficially exercise this power, he would cite the case of the West Indian Commission—a commission analogous to that now proposed. In not a single instance of the disposal of estates under the West Indian Commission, although claims were examined into and adjudicated upon to the extent of many thousands of pounds, was complaint made of an improper distribution of the money. If such cases should occur, he thought Parliament might deal with them. At all events, he did not think this was an objection of sufficient weight to warrant the House in fettering the progress of a Bill which he believed to be essential to the regeneration of Ireland. It would be necessary, for the purpose of adjudication, that the commissioners should have power to send cases and issues to be tried at law. The expense of such proceedings would be confined to the parties immediately concerned, and the property of the other parties would not in the mean time be locked up—an evil which at present existed under the system of the Court of Chancery. The commissioners would also have this advantage. The Court of Chancery had, in a number of cases examined into matters of this description. In all cases, therefore, where the Court of Chancery had instituted an inquiry into property, and had issued a decree, the commissioners would be bound by that decree, and the commissioners would have the power of adopting any preliminary inquiries not finally concluded by the Court of Chancery. It was obvious that there must be a species of concurrent jurisdiction between the commissioners and the Court of Chancery, and it had become absolutely necessary to determine to which tribunal priority should be given in these matters. Now, it had been considered, that as a special tribunal was being created for these purposes, which was to be invested with high and important functions, it was expedient to invest it with full powers. Accordingly, in all cases where a decree for sale by the Court of Chancery had not been carried into effect, it should be carried out by the commissioners; and in all cases where proceedings for sale by the Court of Chancery were pending, and on application being made to the commissioners, the commissioners should effectuate the sale; and on that being done the Court of Chancery should cease to take any further measures with respect to the sale. With respect to all other matters in the suit, it would be in the discretion of the Court of Chancery to proceed with or suspend proceedings until after the commissioners should have sold the property. The commissioners, the House should bear in mind, would act only upon application being made to them. Upon application being made, the jurisdiction of the commissioners with respect to the perfecting of sales would be paramount. It had also been thought advisable, in establishing an appellate jurisdiction to which any appeals against the decisions of the commissioners should be preferred, to follow the precedent adopted with respect to the commission to which he had referred. The tribunal in question he proposed should consist of such Members of the Privy Council in Ireland as the Lord Lieutenant should select as a court of appeal. But it was proposed to reserve to the commissioners a power of determining whether a case was properly the subject of appeal or not. That that power would be fairly exercised, he thought probable; for our experience of courts of justice told us that no one was more desirous that appeal should be resorted to than the judge who tried the case. This power was conceded to the commissioners, to secure them against frivolous objections, and in cases got up for the mere purpose of delay. These, therefore, were the general functions which the commissioners would have to perform. He did not think it necessary for him to go into greater detail as to the functions and duties of the commissioners, as they would be found in the Bill, which, with a few alterations, would be in the hands of Members in the course of a few days. Now, if the alterations with respect to property in Ireland would be considerable under the operation of this Bill, it should be remembered that the benefits to be derived would be of a permanent character—that every acre of land disposed of under the Act would, as to title, be beyond question, from the date of the commissioners' certificate. It was desirable that titles hereafter in Ireland should be put on such a footing as to prevent them from getting into the same state of complication as now existed. To make provision for that purpose, formed no part of the object of the present Bill, which, though temporary in its operation, would yet have generally a beneficial effect. Every acre of land sold under this commission would be held by a title which could not be questioned. It would, indeed, be a great misfortune if, after the lapse of some thirty or forty years, estates should fall again into the same state of confusion as now existed, with only this difference, that the incumbrances might be of thirty or forty years instead of sixty. It was the wish of the Government to make a change in the system of judgments so as to prevent them from becoming a permanent charge on the land. At present, when money was raised upon property in Ireland, the judgments were registered, and created a general incumbrance on the estate. That evil would be remedied by an enactment which, however, would not have a retrospective effect. The Government had also considered whether it would not be possible to introduce an improved system of registration in Ireland. That question was still under consideration, but the measure relating to it was not sufficiently matured to allow of its introduction into the House in the course of the present Session; besides, as the Commission on Registration was about to make its report, it might be desirable to wait until that document should be before the House. The feeling of Government, however, was, that it was not enough to liberate the land of Ireland from incumbrances, but that it was necessary, also, to take advantage of its freed state to prevent its being again reduced to its former condition. The Bill, he trusted, would directly effect that object, which he believed Her Majesty's Government desired to see attained, and which the right hon. Baronet the Member for Tamworth had in view when he suggested some measure of this description. It would, he believed, afford persons of capital in Ireland an opportunity of purchasing land free from incumbrances, and would pave the way for that employment of labour on the land which was now wanting in that country. But he believed the Bill would have a beneficial effect in other respects; that it would create through this commission that improvement upon the present system of procedure in the Court of Chancery, which that tribunal, owing to the ancient prejudices against which it had to contend, could not itself introduce. A large discretion must be given to this commission. It would not be imperative on them to sell in every case. A family property might be slightly incumbered; and if a reasonably short time were allowed, the incumbrance might be paid off. In such a case as that, there would not be sufficient ground for depriving the family of the property, and the commissioners would have the discretionary power of refusing a sale. But, in the execution of their functions, they must not suppose that the interests of the parties to the estate were the only, though he admitted, the principal, interests to be considered. He could conceive a case in which the incumbrancers might apply for a sale of the property, and, upon investigation, it was found to be so hopelessly incumbered that no one connected with it could perform the duties belonging to property. In such a case he thought the commissioner should have a discretionary power to sell or not sell. He was not at all certain that the success of the measure was beyond all question or doubt, because its success so completely depended on a good class of purchasers being found willing to invest their capital in Ireland. It might be said of this Bill, as was said of last year's Bill, by one class of persons, that there would be no sales under it; and by another, that it would have the effect of deluging the market with property at a low rate, to the great injury of all other persons holding land. The latter evil, he thought, might be prevented by the adoption of precautionary steps and guards on the part of the commissioners. It was desirable to afford the greatest security and relief to all incumbrancers, not making them liable to refund or repay that which they were paid under the commission; and, trusting to the commission to dispose of the properties justly, he hoped and believed they might reasonably expect that the result of the measure would be the effectual sale of incumbered estates, the bringing into market a large quantity of land, and the sale of that land beneficially, whether for the real or nominal owners. He anticipated that it would be said that this measure went a great deal too far; that it superseded the jurisdiction of the Court of Chancery, and disposed in somewhat an arbitrary manner of the property of one class of persons, to divide the proceeds among another class. His answer was, that the emergency and circumstances of the case justified the expedient. The House would have to judge by the rules of the commissioners how far the functions to be performed by them were likely to be beneficial. An hon. Member, in the course of a previous debate, had stated that if the people were employed, there would be no need of a poor-law. Now he (the Solicitor General) believed, that the only mode by which employment could be given to the people, was the getting the land into the hands of the monied classes; and the present measure, he thought, would supply that mode. He had now stated the general heads of the measure which he was about to ask the permission of the House to introduce. There was another short measure, however, to which he should ask the sanction of the House, subsidiary to that of which he had stated the provisions, and to the efficacy of which he trusted it would add. The hon. and learned Gentleman concluded by moving for leave to bring in a Bill further to facilitate the sale of Incumbered Estates in Ireland.

Mr. STUART said, that the experience of last Session was sufficient to satisfy the House that the task undertaken by his hon. and learned Friend the Solicitor General, and described in so clear and able a manner, was one of no ordinary difficulty. They all concurred in the propriety of affording facilities for the sale of estates in Ireland, which could no longer continue in their present condition with advantage to the proprietors; but they could proceed very little way in that attempt, without finding that they had embarked in an undertaking of extraordinary difficulty. The measure of last Session had turned out a total failure; and that failure was to be accounted for, not by any of the little circumstances to which his hon. and learned Friend had alluded, but to this—that it was a mass of complicated enactments on a difficult subject, which were not thoroughly understood by one out of ten of the Irish Members who had so eagerly called for it. Indeed, so unwilling had they been even to hear his objections to it, that at last he thought the most appropriate punishment was to let them have it. He should have wished to hear from his hon. and learned Friend a statement of the difficulties with which they had to deal, before they were called upon to consider the remedy; but he did not complain of that, for his hon. and learned Friend had certainly done a good deal in explaining a measure so very complicated as the present. But what was the difficulty in the sale of incumbered estates in Ireland? It was this. That there were a great number of individuals, having interests in an estate, which they were willing to part with; and that no step could be taken towards forcing a sale without doing violence to the rights of these individuals. It was very easy to talk of following the precedent of the sale of crown lands, in which only the Crown and the public were interested; but who were the parties interested in these Irish estates? First, there were the mortgagees. The hon. Member for Carlow had mentioned a bill filed in the Court of Chancery, in which it was necessary to have 43 defendants: they were all interested in the estate; and there was the difficulty of compulsory sales in Ireland. It was not a light thing to tell a mortgagee, who was the 8th or 10th on the list, and who got some interest every year with more or less difficulty, that the estate would be put up to sale whether he would or no: what, he would ask, would be the position of the mortgagee between the application for the sale and the granting of the certificate? Still more, what would it be after the certificate had been granted? It was supposed that the Bill of last year would get over these difficulties; but that had, as was predicted by the hon. Member for Oxfordshire, altogether failed; and now it was said that there was a precedent in the commission for distributing the compensation money amongst the owners of slaves in the West Indies; but that that commission should be quoted as a precedent for the commission now proposed, must excite unqualified surprise. He supposed and hoped that the commissioners would be laymen and not lawyers: lawyers were by habit accustomed to respect most scrupulously the rights of property, and therefore he thought that laymen rather than lawyers would be better instruments for carrying into effect this measure of confiscation. The duty of the commissioners for distributing the slave compensation money was entirely different; the present commission was to settle questions as to disputed rights, and as to the compulsory conversion of land into money. The slave compensation commission established, as one of its rules, that if even a question of that kind occurred, they would not settle it, but that the money should at once be paid into Chancery. Let the House look at the case of the children and grandchildren of an Irish proprietor, whose whole fortune consisted of their portions on an incumbered estate; he wished to know how they were to be supported during the operation of this commission? These appeared to him to be enormous difficulties; the more so because they affected the rights of people in a helpless condition, whom the Legislature was bound to guard and protect with anxious care; and he felt now that the paternity of this measure did not belong to his hon. and learned Friend. He begged to apologise to the House for venturing to say anything upon a plan which required the greatest consideration; he did not pretend now to understand the details; but he thought that already he saw great difficulties in the way. It had been thrown out last year by himself and other hon. Members, that when a proper case occurred, they might give the purchaser an absolute title, similar to that which the railway companies got; but it was quite another thing how they were to deal with the many complicated interests of these defenceless persons, whom they were bound to protect. It was certainly very difficult to legislate upon the subject without doing violence to rights of property, which this measure dealt with, as it seemed to him, in a manner that amounted to confiscation.

Mr. KEOGH was desirous of taking the earliest opportunity of acknowledging that he thought the Government had taken a step in the right direction, by the introduction of the present measure. The Bill was calculated to relieve Ireland from one of the greatest inflictions which could oppress a country. It proposed to put an end to the present system of expensive and interminable litigation now going on in the Irish Court of Chancery. He remembered to have heard it said that the Irish Members would oppose the Bill of last Session, because it would deal with those abuses; but from conversations he had had with persons of eminence in the law in Ireland, he was satisfied that the Bill would meet with no opposition at their hands. The hon. and learned Member for Newark had said, it was the number of incumbrances upon the estates that prevented the sale of estates in Ireland; but he (Mr. Keogh) thought that the sales were prevented, not by the number of incumbrances, but by the complicated, expensive, and dilatory tribunal to which the investigation of them was submitted; and therefore he believed the plan of the measure before the House would go at once to the root of the evil, because it proposed at once to liberate the land, and it was to the land they must look to provide for the employment of the labourers. It was tied up at the present moment; and it was to emancipate it from the trammels under which it was now suffering that this Bill was directed. It was the land that must be the great absorbent of labour; and, argue as much as they would, and delay as long as they liked, this fact should be ever remembered by the House, that to Ireland in her present position delay amounted to death. The Bill proposing, then, to liberate land, sought also to effect its object in the speediest way. It was not intended to bring it to a hasty sale, irrespective of the rights of the parties having interests in the property, because the hon. and learned Gentleman the Solicitor General stated that the important and momentous trust of disposing of the lands was to be placed in the hands of the commissioners, who, no doubt, would be persons selected for their great learning, prudence, and well-established integrity, and taken from the highest ranks wherever they were to be found. And even then they were not to proceed at once to sell the estate without consideration. He understood they would have to make a preliminary inquiry to know whether it was a proper case for disposing of the estate. Now, this was the very principle recognised by the Act of last Session, which required a preliminary inquiry to be made either in or out of court in the first instance; and the present proposal only carried that principle out still further, by saying, that the process should be a simple and speedy one, and that the land should be really and not merely nominally emancipated. The hon. and learned Gentleman the Member for Newark asked, "How can you deal with this vast amount of property without inflicting an injury upon somebody?" But how could any great improvement, social or political, be carried into effect without injury to some one? The House would not deliberately inflict an injustice upon anybody, if it could avoid it; but the Legislature had a great public duty to discharge; they had to deal with a country labouring under a monstrous gangrene; and they must deal boldly and fearlessly with that fearful disease; quack medicines would no longer avail—the malady was too powerful, and the knife must be resolutely and fearlessly applied if they would really effect anything like a cure. If they did not act thus with the west of Ireland, they would find this gangrene extending until it devoured the very heart's blood of the country. With regard to the disposal of the money obtained on the proceeds of the sales, he thought the commission would be unnecessarily embarrassed in the discharge of their duties, if their attention were diverted from the great and important trust of liberating the land, to consider the claims of the different parties to the purchase money of the property. The great object to be considered in Ireland was to release the land for the employment of the people. The hands of the commissioners would be embarrassed if they had imposed upon them additional duties; and the parties afterwards, if they were so wedded to the cumbrous procedure of the Court of Chancery, might be left to deal with the produce of the estates when the money was realised. There was another part of the hon. and learned Gentleman the Solicitor General's proposition which he could not altogether approve of. He spoke of a concurrent jurisdiction existing in this commission and in the Court of Chancery. Now, he (Mr. Keogh) thought that would be one of the greatest evils that could possibly be inflicted now upon that country.

The SOLICITOR GENERAL said, the hon. Gentleman had misunderstood him. He had said, there would be a concurrent jurisdiction if measures had not been taken to prevent it; and he therefore proposed to give a paramount jurisdiction to the commission to stay the proceedings of the Court of Chancery.

Mr. KEOGH was glad to learn that his first impression was erroneous. As to the feelings of the bar, with which he had the honour to be connected, he could assure the House that every member of it was quite willing to abandon every advantage which might be supposed to arise out of the present order of things, provided a benefit was conferred upon their country. Having thus spoken a word for the bar of Ireland, he intended also to have said something in reply to the aspersions which had been thrown out against the Irish Members by the hon. Member for Manchester; but that hon. Member had been so ably handled by the hon. Baronet the Member for Waterford, that it was unnecessary for him to say more than this, that such insinuations as had been indulged in could only have originated in a desire to gratify self-conceit. He (Mr. Keogh) begged to assure the hon. Member for Manchester, that if the Irish Members wished to profit by the example and precept of others, they would not become the pupils of the Manchester school.

Mr. W. P. WOOD wished to say a few words on this measure, with reference to what had fallen from his hon. and learned Friend the Member for Newark, as to the measure of last Session, and the inference he had drawn from that with regard to the probable success of the present measure. It was not fair altogether to impute to the Act of last Session the failure of any favourable results from it, because unquestionably it was not to be expected—and indeed the hon. and learned Solicitor General seemed to have similar apprehensions with respect to this Bill also, owing to the same cause—that any complete results would have followed the previous measure, considering the existing circumstances of Ireland. These circumstances had greatly impeded its working; for it could not be expected, even with the best possible state of the times, that they would find persons anxious to invest their capital, whilst a general alarm prevailed as to the social condition of the country, though happily only for a short period; and whilst more than 30,000 troops were necessary to preserve the peace of the country; and when, also, the estates were so overloaded with the pauper tenantry, that the poor-rates were eating up the whole of the landed property of the country. Under these circumstances, although they could have secured an entirely perfect title to the purchaser, it was not likely that any great amount of capital would flow into Ireland. Now he had similar fears of the present measure, though not wholly from the same causes. He thought there might be difficulty, on the one hand, in finding purchasers, and, upon the other, in finding sellers; for he observed that this Bill—and he was not now finding fault with it—proposed that no operations of the commissioners should have effect until after application to the parties interested in the estate. This was one cause of the failure of the other measure. They would have first to consult the heavily mortgaged owner, who was unwilling to part with that species of territorial power which he still wished to retain, although it was merely a shadow; then there was the first incumbrancer, receiving his six per cent, and, of course, not anxious to sell; and, next, the second incumbrancer, who might be receiving something, but what amount was by no means clear; and he would be afraid that, if a sale took place, especially under circumstances like those that prevailed last year, the land would be sold greatly under value, and thus a portion of his property be sacrificed; and, therefore, he would wish to wait till a more favourable opportunity for a sale. He (Mr. Wood) thought it extremely probable that we should not have a large number of applications when we might wish to have estates sold. It would be better, however, to establish a machinery by which we could effect the disposal of the land and confirm the title, without the enormous expenses of the Court of Chancery; and if it were found that the result would not be so effective as was necessary to meet the social evils of Ireland, so far from the provisions of this Bill being of too bold a character, he believed the House would be prepared to give far higher powers than were now proposed. Two strong circumstances had greatly impressed his mind during the recent debates upon Ireland, in connexion with the scheme of the right hon. Member for Tamworth. One was, the statement of a gentleman who for a short time represented Kinsale, with regard to the operation of receivers in Ireland, and the fearful condition of estates exposed to their management. The other was the existence of cases like that of the Ballina union, where Captain Hamilton reported 27,000 were likely to fall upon the poor-rate, of whom 4,000 were ablebodied persons, who, together with the relatives dependent upon them, numbered a total of 18,000 to be relieved within the union. And still, notwithstanding this frightful state of things, Captain Hamilton reported that they would have ample employment for the whole of the labourers if the landlords had capital enough to improve their estates, and there would be no necessity for any additional assistance under the poor-law to support them. This circumstance was surely sufficient to prove the necessity of something being immediately done, and as rapidly as possible, to liberate the land and place it in the hands of persons of capital, and capable of working it. His hon. and learned Friend the Member for Newark thought that the getting rid of the cumbrous machinery of the Court of Chancery would risk the interests of those whom it was the especial duty of the House to protect. He said there might be an eighth or ninth, or a tenth incumbrancer, and how were their rights to be protected? Why, under this Bill they would not be any less protected than they were now. At present any incumbrancer might enforce a sale as against all those under him, but he could not, of course, do so against those above him. There were here two difficulties to be considered. The first arose from the rights of the parties, and the other from the mode of enforcing those rights. Now these rights would be left wholly unaffected by this Bill; but, in the case referred to by his hon. and learned Friend, to make forty-three parties all defendants in the Court of Chancery, amounted to a practical denial of justice; and therefore it was proper to improve the mode of enforcing rights. The commissioners would not be embarrassed by those technical difficulties respecting the parties, such as bills of supplement, and all the other formalities which had grown up in Chancery proceedings, but which he hoped to see speedily reformed in both countries. It was on account of these defects, and not on account of the rights of the parties, that they could not enforce the Act. This new Bill did not propose to deal with existing rights farther than that it intended to authorise the commissioners to sell, whether the first or second incumbrancer wished it or not. If this measure were open to some of the objections of the hon. and learned Member for Newark, he did not believe them to be of sufficient weight to authorise the House in refusing to receive the Bill, which he regarded as a real boon and benefit to Ireland—he did not see why the House should oppose the trial of the experiment now sought to be made. With regard to the West Indian compensation, that was a very good precedent for what was now proposed. The enfranchisement of the slaves was enforced;—a compulsory sale of them took place—and Parliament did what it thought necessary to compensate the planters. Surely that was dealing with vested rights and interests, and upon a large scale, as much as was proposed to be done by this measure. Again—roads, canals, railways, and other public works, did most serious injury to private individuals, where no amount of money would compensate their loss. There were innumerable instances of that kind, and yet, because it was wished to make a road or a canal, that was considered sufficient to justify the proceedings. But here they were about to regenerate a whole country, and to remove a millstone from their necks, which would drain England down to the same abyss of ruin and misery, if Parliament did not take steps seriously, sedulously, and energetically, to raise the sister country from her present hopeless and prostrate position. No petty difficulties or little trifling objections ought to prevent them from doing Ireland the justice she required at their hands; and he rejoiced that this was not to be the only measure of the Government for remedying her social evils. He was glad that, although not during the present Session, they were to have a measure brought forward for the registration of titles. Too great stress had been laid upon the badness of the machinery of the Court of Chancery, as causing much of the evil under which Ireland laboured; but it should be remembered that the defective state of the law as to the tenure of land permitted all these perplexing little interests to be created, and the want of a general register for complete title; and there not being an easy mode of transfer, created the necessity for all the notices and other difficulties connected with the Court of Chancery. If they allowed such subdivision of rights to grow up and continue, the courts had no other alternative but to take cognisance of them; and it, therefore, became, in some degree, necessary to have all those forty-three defendants that had been alluded to. Much of the evil was owing to their imperfect legislation as regards the rights to estates, and the manner in which they were allowed to be so minutely subdivided, and too much of the blame had been ascribed to the machinery of the Court of Chancery. He was glad, therefore, that this was not the only measure they were to have, and that it was to be followed up, if not this Session, at least in the next, by a measure for the registration of titles. He hoped that such a measure would be introduced, not for Ireland only, but also for England. Such measures would do away with the necessity of having recourse to all those notices which the Court of Chancery required for the protection of numerous rights which the Legislature created, and which occasioned so large a portion of the evil which was complained of. He believed the time was come when they would find it desirable to deal with the ownership of land in respect to those who might have the power of giving absolute titles, in the same way as they now dealt with stock, leaving all minor divisions of interest to be dealt with by means of caveats, as was the case with hundreds of thousands of pounds of stock, which by a system of *distringas* could be prevented from being unduly transferred. He would not, however, pursue this subject on the present occasion, but would content himself with making a suggestion which might be worth the attention of Her Majesty's Government—namely, whether it would not be wise to give the commissioners power of inquiring into the management of estates under the receivers of the Court of Chancery, not for the purpose of sale, but with a view of directing improvements in their management, without going through the process of applying to all the different parties concerned. He would only say further, that he believed that those who had anything to do with the administration of the law, were most anxious to see this and similar measures carried. He believed that in this country they were desirous of seeing every useful reform carried into effect. He therefore begged to protest against the imputations thrown on the profession to which he belonged, that they were not anxious to second and adopt improvements of this kind. He believed that from the first moment that the Judges invented the system of fines and recoveries in order to prevent property from being tied up, down to the present time, they were anxious to see every useful amelioration effected; and, in fact, it was by professional men that the amendment of the criminal law, with which the name of the hon. and learned Solicitor General was so honourably connected, and all other law reforms, were first pressed upon the attention of the Legislature.

SIR R. PEEL: Sir, I should be most unjust and most ungrateful towards the legal profession, if I were to throw any reflections on them, or their sincerity and willingness to co-operate in any reform for Ireland. I have, myself, been concerned in attempts to improve the law—the criminal law of this country, by measures which I thought it my duty when in office to bring forward; and I am bound to say that I found generally, on the part of the profession, speaking of the present body, a most zealous desire, at whatever pecuniary cost it might be to themselves, to cooperate in improvement. Now, without relinquishing any of the opinions which I have expressed on two former occasions—wishing of course to reserve to myself the opportunity which the House will have when this measure of the hon. and learned Solicitor General is before them—I cannot, however, avoid on this occasion expressing my cordial satisfaction at the course the Solicitor General has taken, and at the general propriety and principle of the measure which he has introduced. Sir, I believe, although the ordinary courts of law are admirably suited for the conduct of ordinary proceedings, and for the administration of justice between man and man, without extraordinary courts, yet I must say, when great social difficulties have to be contended with, my belief is, that you should step beyond the limits of those ordinary courts of justice, and establish some special tribunal, unfettered by reference to technical rules, for the purpose of solving those difficulties. I apprehend that is the course you have pursued on more than one recent occasion. Three or four years since we found all the southern counties of Wales in a state of insurrection on account of the turnpike tolls within those districts. The Rebecca riots must be familiar to many of those whom I address. The Queen's troops were resisted: it became necessary to apply a remedy. We proposed to Parliament to send down a commission to inquire into these tolls; we found the necessity of extinguishing them, and placing them on an entirely new footing. We appointed a new tribunal, with new powers of adjudication, and with a simple form of appeal. We offered to the parties that simple arbitration, leaving them to go to law if they pleased. There was a general disposition to acquiesce in our proposal, on account of the saving of expense; the turnpike tolls have been abolished in Wales; peace has been restored; in some cases the sums due upon debentures were nominally 100*l.*, but they were reduced by the award of the commissioners to 70*l.*, 60*l.*, and in one case even to 10*l.*; in those awards the parties acquiesced; and I believe there were only two cases of appeal from the decision of the special tribunal. A few years since you found it necessary to have a compulsory commutation of tithe. You found voluntary commutation did not succeed. The noble Lord the First Minister of the Crown brought in a Bill, the object of which was to inform all parties, that if, before the 1st of October, 1838, they could make a voluntary agreement as to tithe, they were at liberty to do so; but if they failed to make voluntary agreements, provision was made for a compulsory commutation. It was necessary in that case to decide upon the most complicated questions which had been agitating the Court of Exchequer for centuries, as to moduses and compositions. The compulsory commutation has proceeded, with a general admission of the benefit conferred upon all parties. Then a special tribunal was appointed, and there again, I believe, it has given entire satisfaction. You had a still more difficult question to deal with about fourteen or fifteen years since. You determined upon the abolition of slavery in the West Indies; you resolved to compensate every holder of slaves for the slaves of whom he was possessed, and you awarded 20,000,000*l.* for that purpose. There were nineteen colonies, with different usages in each colony. You resolved to meet that difficulty, but you found it absolutely necessary to depart from the ordinary course of proceeding. [An Hon. MEMBER: That is not a case in point.] An hon. and learned Member says, this is not a case in point. Upon a question of law I have the greatest hesitation in differing from the hon. Gentleman, especially as he is conversant with the Act of Parliament, and has been engaged in practice under its provisions. It has been said that this is not a case in point, because all you had to do then was to award the 20,000,000*l.* among the holders of slaves, and that nothing could be more easy than for a special tribunal to allot to each party the sum of money due to him—to determine the value of a slave in Jamaica, and of another in Trinidad, and to apportion the amount. But I beg to remind hon. Gentlemen that these were not the only duties of the commissioners—that they had most complicated duties to perform independently of the awards. Besides dealing with the owners of slaves, they had to determine the interest of married women, of infants, of lunatics, or of persons of insane or unsound mind, of persons beyond the seas, and of persons labouring under any other legal or natural disability or incapacity. With all these cases the commissioners had to deal, and they were empowered to lay down rules which were to be submitted to the Privy Council, and being approved of by them, were to have the force of law, But, besides that, the slave partook of the nature of the real property to which he was attached. Whoever had a mortgage upon the real property, had a mortgage upon the slave. How, then, did that case differ from the case before us? But, besides the interests of married women, of infants, and of lunatics, which, as I have said, the commissioners had to protect, any person having, or claiming to have, any right, title, or interest in or to any mortgage, judgment, charge, incumbrance, or other lien, upon any slave or slaves to be manumitted, was authorised to prefer his claim before such commissioners, who were to frame rules and act accordingly. These commissioners had, therefore—if I do not misquote the Act—to determine claims precisely of the same nature with those we are now considering—namely, the claims of all encumbrancers and mortgagees, who had the same lien upon the slave that they had upon the landed property. So, in dealing with this complicated question of landed property in Ireland, I believe that by appointing some special tribunal to direct its attention to this particular subject — observing, of course, all the great principles of law, and avoiding doing injustice to any man—you will best remedy the social difficulties with which you have to deal. I think the great object to be gained is to give a clear, simple, Parliamentary title. To find, when you have purchased an estate, that you have bought with it a lawsuit, and, for any thing you know, in some cases, a duel besides, is certainly not a pleasant thing. What man would invest his capital under such circumstances? Give, therefore, a clear, simple title, which will be safe against the whole world—that is the chief thing. Give to the purchaser an assurance against indefinite charges for poor-rate, as you are about to do; give assistance by advances, also—not to the incumbered proprietor, who really has nothing beyond a nominal interest in the property—but to the new purchaser, who proves to you that he has capital, that he can repay you 4 per cent interest upon any advance for the improvement of the land, and 2 per cent as a sinking fund; and take care that there shall be no repudiation—that, if the advances are not repaid, the land is seized. If you give the purchaser these three inducements—simple title, guarantee against indefinite poor-rate, and possibly his share in the advances for the permanent improvement of the land, it is my belief that you will afford the greatest encouragement to persons to invest their capital in Ireland. The hon. and learned Solicitor General has said that many persons will be shocked at this invasion upon the old system. Now, one example is worth a hundred arguments; and in order to alleviate the apprehensions of those who are shocked at the thought of parting with the old remnant of Chancery administration in Ireland in respect of estates, I would just ask the Solicitor General and the House to accompany me in a little excursion into the courts of equity in Ireland. I will call your attention to what is termed a sale, and I would ask if there is a probability, while the present law remains in force, that any one will purchase an Irish estate? If the hon. and learned Member for Newark has any reluctance to accompany me, perhaps, when I tell him that the purchaser's name is John Stuart, he may find some relationship which may induce him to listen with more care than he would otherwise do to my statement. I am perfectly ready to place in the hands of any Gentleman the original letter, giving account of this transaction. The gentleman who sends it says—

> "I know how apt the House sometimes is to have erroneous statements made. I do not, therefore, send this to you without having first submitted it to my solicitor, and asking him whether the account is true in every point."

This is an account of what is called a sale under the Court of Chancery in Ireland:—

> "A receiver was appointed over the estate in 1813. The estate was sold, under a decree of the court, in 1838. After most tedious proceedings and great costs, it was discovered that there was a technical defect in the title, and the purchaser was freed from the purchase. The estate was resold in 1843, under an amended decree. The present purchaser (his informant) thought that, after the previous investigation, purchasing under the amended decree, he should be safe. He paid his purchase money into court. In June next, six years would have elapsed since he paid the money. He was not in possession, and would not be for two years more. It was discovered, on examination, that the estate was less by 1,200 acres than the quantity stated in the rental; that parts of the property stated to be fee-simple were leasehold, with a power of re-entry and reservation of the royalties. That leases stated to have been made without powers were made with full powers, and were binding and valid. In 1848, it was discovered that several reversionary leases, not set out in the rental, were in existence and also valid. On these objections the remembrancer decided in favour of the purchaser—that is, that the rule was invalid, and the purchaser thought he was released—and reported to the purchaser that he should be released from his purchase. The vendors objected to the release. The barons decided in their favour, and reversed the decision of the remembrancer. The result had been that the purchaser had neither received the interest of the purchase-money nor the rents of the estate. So far as to individual wrong. Now look at the social evils. All the evicted paupers of adjoining estates had crowded into it. In the course of the proceedings the widow of the vendor became the inheritor of the estate on the death or her youngest son. She died lately of a broken heart, without the common necessaries of life. On her death, fresh proceedings had to be taken, new bills filed, new decrees pronounced, and now we have to discover her heir in America. That such a system must prove ruinous to all parties, the vendors, the purchasers, the mortgagees, and the tenants, is evident. The capital I had intended to expend in the improvement of the property will all be spent in law costs, in a fruitless attempt to obtain that which was professed to be sold to me. This is not an uncommon case. Two friends of my own purchased two estates the same day I did, under the courts. Mr. ——, at the end of four years, was forced to take what his counsel pronounced was not the title under which he bought; Mr. ——, at the end, I believe, of six years, has been freed from his after most expensive proceedings, during which, I believe, the tenants have paid no rents, and have, by their lawless proceedings, endangered the peace of the neighbourhood."

This is an extract from the statement made to me by a gentleman of the highest respectability; and I shall be prepared to place the original in the hands of any Gentleman who wishes for more details on the subject. Now, I put it to any one who may have heard, with some surprise, the proposal of the hon. and learned Solicitor General, whether it is possible to permit such a state of things as is here described to continue without immediately attempting to apply a remedy? Sir, I believe it will be possible to apply that remedy without injustice to those who are either the nominal proprietors, the actual proprietors, or incumbrancers upon the estate. I believe the saving to them of legal expense, of costs in the courts of law, and of the anxiety consequent upon such proceedings, will be a compensation for any conditions you may impose upon them. As I stated the other night, you are now in a new position with respect to this insolvent property. Unless you take some remedy with regard to it, the whole of the solvent property in Ireland will be affected. I ask hon. Members, before they decide upon this question, to read the evidence given before the House of Lords by two Irish gentlemen, Colonel Gore, of Mayo, and Mr. Martin, of Galway, which shows that they are well acquainted with the condition of Irish property, and that they have been actively exerting themselves for the mitigation of the evils existing with reference to that property. I think that evidence deserves the most serious consideration. It shows the injustice you would do to the owners of solvent property in Ireland, if you made them responsible for the default of the insolvent proprietors. I may add, that the course which the hon. and learned Solicitor General has pursued during his Parliamentary career, the principles he has evolved, the temperate, well-considered attempts he has made to reform the law, are, I think, worthy of the great name he bears. He proves himself to be one of those lawyers who, having the key of knowledge, are not desirous of using it for the purpose of excluding their fellow-countrymen from possessing the benefits of sound legislation.

Mr. BRIGHT could not allow this discussion to close without expressing his opinion on its subject. He had never listened to the deliberatious in that House upon any question connected with Ireland with half the delight which that evening's debate had given him. A more beautiful explanation of a measure than that given by the hon. and learned Solicitor General of his most excellent Bill, he had never heard in that House or elsewhere. He could not find the slightest fault with the proposition, either that it went too far, or that it did not go far enough. There were, as the hon. and learned Gentleman admitted, other things to be done; but certainly the measure here submitted to the House was one which had begun at the right point, and was proceeding—at all events, to a considerable extent — in the right direction; and he was satisfied, further, that though some learned Gentlemen opposite, and some other persons connected with the land in Ireland, might regard it as a dangerous measure, there was no class in Ireland whose real safety was more consulted by the Bill than the class of landed proprietors. For himself, he would say, that, did he not conceive it would conduce as much to their safety, and to the maintenance of their property, as to the safety and to the maintenance of the property of any other class, it would not have the warm support he was disposed to give it. He was of opinion that nothing could be more fatal than an attempt to maintain the property of any one class as against any other class; while measures based on sound principles, calculated to meet great emergencies, must be, as this measure eminently was, certain to be advantageous to all classes in the country to which it referred. He had that night fallen under the displeasure of two hon. Gentlemen, representatives from Ireland: he was not about to say that he had not laid himself open to some of the observations which had been made; but hon. Gentlemen from Ireland would do him generally this justice, that, on all occasions since he had sat in that House, he had almost always spoken — always voted, in favour of those measures which had met the approbation of the Members for Ireland—at all events, sitting on that side of the House; while with respect to this especial measure, Gentlemen from Ireland might, perhaps, recollect that at the close of the last Session of Parliament he had made the precise proposition now submitted to the House by the hon. and learned Solicitor General. He had stated on that occasion, that before anything else was done with this question of land in Ireland, a special tribunal ought to be appointed, to which the adjudication of all questions connected with this subject should be referred, since, from what he had heard of the condition of the Court of Chancery in Ireland, he was satisfied that nothing effective could be done without the establishment of such a tribunal. He would appeal unhesitatingly to the whole of his conduct, in and out of Parliament, to show that he had never exhibited hostility to the people of Ireland, or those who represented them in that House. He heartily thanked the Government for this measure, and hoped they would exhibit as much determination in pressing it through the House, as they had exhibited wisdom in conceiving it and laying it before Parliament.

Sir J. B. WALSH observed, that the right hon. Baronet the Member for Tamworth had given a striking instance of the abuses of the Court of Chancery in Ireland, and there could be no doubt of its being desirable to abridge the technical forms. But the provisions of the proposed measure extended to constitute a new tribunal. He warned hon. Members against supposing that the whole of the evils and difficulties in the case of Ireland arose from this particular condition of encumbrances upon property. He felt certain that no encouragement would be found for the investment of capital in any such union as, for example, that of Ballina.

Mr. J. O'CONNELL reserved his opinions until he had seen the Bill. It must be remembered, however, that such a measure as this alone could not effect all the necessary ameliorations; and he trusted the House would yet see the necessity of introducing other measures, conceived in as large a spirit as this appeared to have been.

Mr. HORSMAN was anxious, in common with other speakers, to express his sense of the manner in which the hon. and learned Solicitor General had introduced this measure. One point ought, however, to be attended to in legislating upon this matter. While care should be taken that every measure should be based upon sound principles, it should be remembered that the evils of Ireland were many, and were in combination, and were only to be met by a combination of measures. No isolated measure could effect everything. If he had any doubt as to the operation of the present measure, it would arise, not from any fault in the Bill itself, but from the fact of its not forming a part of a general plan or design, which circumstance, he thought, was essential to the success of any particular measure. He had not heard that the Bill contained any provision for limiting the liabilities of an incoming purchaser of property; and if that were so, there ought to be another Bill, with such an object, to sustain and support the present. At the same time, he agreed with those who thought that this was a step in the right direction; and he gave great credit to the Government for the *animus* in which they had proposed it, and for the attempt to relieve property from the trammels of Chancery technicalities. He thought there were some omissions in the Bill, but would reserve them for future consideration.

Mr. HENLEY said, that the right hon. Baronet the Member for Tamworth had made a salient and pointed attack upon the Court of Chancery in Ireland, and had illustrated it by a very touching anecdote. But the right hon. Gentleman had made a somewhat extraordinary statement, in saying that the first sale of the property in question had gone off upon a technical imperfection; while it appeared, when the circumstances were investigated, that the estate was 1,200 acres less than had been represented, that a portion of it was leasehold instead of freehold, and that there were certain leases under very awkward conditions which had not been at first disclosed. Now, these might be called technical objections in Ireland; but they certainly would not be so considered on this side of the water. With respect to the West Indian Commission — that might be said to be a precedent for the duties of the proposed commissioners in respect to the mere distribution of the funds after the sale of estates; but it was not a precedent for the duty of judging whether or not estates should be sold, and it was to this latter point that his hon. and learned Friend the Member for Newark had adverted.

Sir R. PEEL explained: So far from his informant regarding those objections as technical, he found them valid and real. He said that he had bought a property of 10,000 or 12,000 acres, and afterwards found it 1,200 acres less; that a part had been sold as freehold which was really leasehold; and that there were reversionary leases on the property which he had not been informed of. He wanted to be relieved from his purchase, but was not allowed—but was forced to take the estate less the 1,200 acres. So far from viewing these as technical, he (Sir R. Peel) had urged them as strong and real objections. It was on the first sale that the technical objection arose; and it was the second purchaser, who bought thinking himself safe under the amended decree, upon whom these real difficulties accumulated.

Mr. MONSELL wished to state his cordial approbation of the measure which had been introduced by the hon. and learned Solicitor General. It would abridge the time required for the sale of estates, and also diminish the costs of the sale, which he considered to be two of the principal objects which called for legislation. The strongest objection in the way of the well working of the measure, was that which had been stated by the hon. Member for Cockermouth—namely, that the great difficulty would be to find purchasers of land in Ireland. This Bill was to be accompanied by another measure, which had been that night explained to the House, and which would greatly enhance the difficulties of working it. He had heard the speech of the noble Lord at the head of the Government with great disappointment, because he feared that the Bill which he had obtained leave to introduce would, if it became law, greatly increase the evils of the poor-law in Ireland.

Mr. BANKES observed that the hon. Member for Manchester, with the modesty which always characterised him, had avowed that he was really the author of this scheme, which he had propounded to the House at the end of last Session. Two hundred years ago, however, a statesman who ran a brilliant career, though its termination was not fortunate—the Earl of Strafford—proposed a measure very similar to the present, namely, to suppress all the courts of equity in Ireland, and to establish a court of commission, for which proposition he was impeached and lost his life on the scaffold. If a similar fate should ever threaten the hon. Member for Manchester, on account of his being supposed to be the author of such a proposition, he (Mr. Bankes) would not give his voice for his impeachment, because he knew that the hon. Member was innocent of its authorship. From all he had heard that evening, he feared that the measure would not be so effectual as had been hoped; but the Government certainly deserved the support of the House in the attempt which they were making.

Sir H. W. BARRON said, the commission about to be appointed under this Bill would have a superior jurisdiction to the Court of Chancery, if proceedings were commenced in that court for the sale of an estate. He wanted to know whether the Bill would give a similar power in the case of proceedings commenced in the Court of Exchequer?

The SOLICITOR GENERAL replied that the equity side of the Court of Exchequer would be in the same situation as the Court of Chancery.

Leave given.

Bill ordered to be brought in by Mr. Solicitor General, Lord John Russell, and Sir William Somerville.

ESTATES LEASING (IRELAND) BILL.

The SOLICITOR GENERAL said, that he wished to explain to the House the provisions of another Bill, which would confer considerable benefit in a small way. It had been a constant complaint in Ireland that there was a great defect in the law, which did not allow persons having a limited interest in land to grant leases for a term of years, which would enable improvements to be made. The principal object of the Bill, therefore, was to enable such persons, tenants for life, for instance, to grant leases for 99 years for building or improving purposes, provided that the fullest and best rent was reserved. Upon that being done, the lessee would have a parliamentary title to the extent of his lease. It was also proposed to extend this power to persons having an absolute interest in land, tenants in fee-simple or fee-tail, and to holders of leases having a right to perpetual renewal. At the same time, it was to be observed that certain covenants and forms must be followed in all these leases. It was proper to state that he should ask, in a few days, the leave of the House to introduce another Bill, without which this measure would not have the effect which he desired. As the law stood at present, wherever a power of leasing was granted, and the exact form of the power was not followed, the lease so made might be set aside at any time. He proposed shortly, therefore, to ask for leave to bring in a Bill to enable a court of equity to supply formal defects in the execution of powers, and it was intended to be a general measure, extending to England as well as Ireland. The hon. and learned Gentleman concluded by moving for leave to bring in a Bill to enable persons, having perpetual and limited interests in lands in Ireland, to make grants in fee or demises for long terms of years.

Mr. STUART said, he should make no opposition whatever to the Bill, but he wished to know whether his hon. and learned Friend meant the present Bill to extend both to England and Ireland? [The Solicitor General: No.] He could not conceive why a difference should be made between the law of England and of Ireland in regard to building and improving leases. Although he could not prevent the Solicitor General from bringing in the Bill in any shape he pleased, he must not allow the opportunity to pass without stating that he had great objections to the Bill. By it, for example, he increased the power of the tenant for life, who was thus enabled to take something from the remainder-man. But the difficulty did not end there; for suppose a man should grant an improving lease, and should afterwards be himself evicted, that was, that the lessor should actually dispose of land not his own, then, by this Bill the tenant would be left in possession. How that could be shown to be advisable he could not see.

MR. SADLEIR was glad that a Bill had been brought in to improve the tenant tenure in Ireland, as nothing would more improve the condition of agriculture. He hoped the hon. and learned Gentleman would in his Bill encourage leases for a fixed term of years, instead of the leases at present prevalent in Ireland, of leases for lives, with a term of years in reversion or concurrent.

Leave given.

Bill ordered to be brought in by Mr. Solicitor General, Lord John Russell, and Sir William Somerville.

The House adjourned at a quarter past Twelve o'clock.

HOUSE OF LORDS,

Friday, April 27, 1849.

MINUTES.] PUBLIC BILLS.—1ª Turnpike Trusts Union. 2ª Cruelty to Animals Prevention. 3ª Prisoners' Removal (Ireland); Smoke Prohibition.

PETITIONS PRESENTED. By the Earl of Harrowby and the Bishop of Durham, from Stow, Louth, and several other Places, against the Granting of any New Licenses to Beer Shops.—By the Earl of Eglinton and Lord Stanley, from Greenock, Leith, and a Number of other Places, against the Repeal of the Navigation Laws.—By Earls Mountcashell and Nelson, and Bishops of Durham and Oxford, from Liverpool, South Shields, and a great Number of other Places, for the Suppression of Seduction and Prostitution.—By the Bishop of Durham, from Newcastle-upon-Tyne, that Measures may be adopted for the preventing Explosions in Collieries.—By the Duke of Argyll, from the Free Church of Canongate, Edinburgh, against Sunday Railway Travelling.—By the Earl of Harrowby, from St. Mary, Newington, against Sunday Trading.—By Earl Fortescue, from Barnstaple, that the Jurisdiction of County Courts may be Extended to Causes of larger Amounts.—From Waterford, for the Enactment of Sanitary Measures; also for the Establishment of an accurate Registry of Births, Deaths, and Marriages in Ireland.—From Loddiswell, that a Demand may be made on the Brazilian and Spanish Governments for the Liberation of all Slaves.—By the Earl of Eglinton, from Greenock, against the Repeal of the Merchant Seamen's Fund.—From the Alleged Lunatics Friend Society, for Inquiry into the Present Mode of Treatment.

AFFAIRS OF SICILY.

LORD BEAUMONT wished to ask his noble Friend the President of the Council (Marquess of Lansdowne) when the long-promised papers on Sicilian affairs would be presented? In putting this question, his noble Friend would excuse him if he also took the opportunity of asking another. He had recently received information, not only direct from Palermo, but also through Reggio and Naples, that the same scenes of disorder and violence which there was so much reason to deplore at Messina, had been repeated at Catania. He had seen accounts, which stated that the line of march of the Neapolitan army was marked by burning villages; that the road was covered with the bodies of murdered men and women; and that after the taking of Catania, that city was delivered up to the soldiers for a whole day to be pillaged, sacked, and burned. He was anxious to ask this question, because he had heard a rumour that the property of the English and French residents was respected, though situated in the middle of Catania, from which he should draw the conclusion that the commander of the Neapolitan forces connived at the conduct of his soldiers. He repeated, therefore, his anxiety to know whether the noble Marquess had received any information, on which the Government could rely, respecting the truth of these statements?

The MARQUESS of LANSDOWNE replied that, with respect to the first question put by his noble Friend, he knew of no other bar to the production of the papers relating to the affairs of Sicily, than the difficulty of arranging so vast a mass of documents. He could assure his noble Friend and their Lordships that they would be produced as speedily as possible. With respect to the second question, he was extremely sorry to be obliged to say that he had seen not only private letters, but also a regular despatch, inclosing one from Her Majesty's Consul at Catania, confirming the statement made by his noble Friend, that that city had been delivered up to pillage. He did not know whether his noble Friend wished that despatch to be produced; but if so, perhaps he would move for it.

LORD STANLEY said, he begged to remind the noble Marquess that he had given to him ten days ago the same answer he had just given to the noble Lord opposite. He did not think the answer of the noble Marquess a satisfactory one, inasmuch as that there was a large mass of papers must have been long known, and therefore during the whole of those events the papers might have been in course of preparation for being laid before the House at the earliest possible period consistent with the convenience of the public service. Her Majesty's Ministers might gain considerable advantage in not only concealing any knowledge of events during their progress—an act of which he did not complain—but also in concealing all knowledge of them, even after the events had terminated, until so distant a period, that the public interest in them had subsided, or almost completely ceased. He thought that the papers in question ought to have been produced long ago, and he considered that the answer of the noble Marquess was anything but satisfactory. With respect to the atrocities which it was alleged had recently been committed in Sicily, he should observe, that he had no doubt but that lamentable scenes took place in all wars, and more especially, he was afraid, in all civil wars. When he heard it said that the allegations upon that subject were confirmed by a despatch from one of Her Majesty's Consuls, he could not help recollecting that nothing could be more vague, or less worthy of reliance, than the rumours on which one of Her Majesty's Consuls had advanced statements with respect to former atrocities in the town of Messina. He hoped the noble Marquess would not give them a second set of "atrocity papers" after the experience they had had of the first batch. But he trusted that the papers which had been already moved for, would be laid before Parliament at the earliest possible period in so complete a form as to enable them to form an accurate opinion upon the subject.

The EARL of ABERDEEN said, the noble Marquess would perhaps allow him to remind him that just before the late war, in answer to a question put by him, he had stated that he was uncertain whether the papers connected with the war in the north of Italy could be produced before the adjournment of the House. On further inquiry, however, the noble Marquess had found that they could not; but he had promised that they should be produced as speedily as possible. He (the Earl of Aberdeen) had certainly expected that they would have been submitted to the House immediately after the holidays; but as he had been disappointed in that expectation, he wished to know whether those papers also would be speedily produced, or whether there would be any further delay in bringing them forward.

LORD EDDISBURY said, that the delay which had arisen in the production of the papers referred to by the noble Earl, was in a great measure owing to the extreme pressure of public business for some time past in the Foreign Office. Those papers would be produced on an early day, and with as little delay as possible.

The EARL of ABERDEEN said, he had never heard anything more unsatisfactory than the answer of the noble Lord. The noble Marquess had informed him before the recess that those papers were so nearly fit to be produced that he was in doubt if they could not be submitted to the House before the adjournment for the holidays; and it had only been on subsequent inquiry that he had ascertained they could not. The transactions to which they related had been concluded long before the termination of the affairs of Sicily. A promise had been given in the Queen's Speech, at the opening of the Session, that those papers should be laid before Parliament; and he certainly could see no reason why they had not yet been forthcoming. He could understand, however, that much time and great management would be required in the arrangement of those papers; and his experience had led him to believe that such management might be thought necessary. But he said, that there was no valid reason whatever for not having produced long ago the papers relating to the war in the north of Italy.

LORD EDDISBURY denied that there had been any manufacture of papers, and said, that the only arrangement required was, that they should be properly laid before Parliament. The noble Earl must be aware, from his own experience, that it would be highly unwise and inexpedient to publish a mass of diplomatic papers without a careful consideration on the part of the head of the Foreign Office.

LORD BROUGHAM said that, although the length of the delay in bringing forward those papers might give rise to suspicion, he had no doubt but that when produced they would be found perfectly genuine, and that they would be laid before the House as soon as possible. He had, however, seen so many evils arise from the premature publication of diplomatic papers, that he did not wish to press for their production. He had seen, as the noble Earl (the Earl of Aberdeen) had seen, instances of papers having been shovelled on the tables of the two Houses of Parliament which ought never to have been produced at all; and sometimes very injurious consequences had followed the adoption of such a course. With respect to the statement of his noble Friend opposite (Lord Beaumont) that the gallant officers commanding the Neapolitan soldiers were suspected of having connived at the atrocities which it was said those soldiers had committed, he should observe that that was a very hard charge to bring against those gallant officers; and for his part he could not help protesting against it. He should also remind his noble Friend that after a town was taken by storm, no officer could prevent the occurrence of outrages in the midst of the exultation and the unnatural state of fever to which the spirits of troops then rose after the great personal dangers to which they had been exposed. He was bound in charity to believe that nothing had recently taken place in Sicily beyond what usually took place in the storming of a town, and especially in the case of a civil war, for it was uniformly found that the atrocities committed during such a war were greater than those committed during any other species of contest.

The Earl of MINTO said, that with respect to the charge of the noble Lord opposite, that the account of the British Consul of what had occurred at Messina was made up of loose statements, he begged to state that he happened to have seen an officer who was present at the time, and who had been called upon by the British Consul, who stated to him that he was about to make a report of what had occurred, and this officer stated to him that he ought to be careful above all things to take nothing upon report or upon loose evidence, and state nothing in support of which he had not distinct and positive evidence from sources worthy of credit. This officer stated further, that he had gone over every one of the cases with Mr. Barker, the Consul, and had satisfied himself of the entire accuracy of every particular alluded to. He thought that the noble Lord might at least have given a public officer credit for a little discretion and fairness in his statement. With respect to what had recently occurred on the coast of Sicily, he had to state that he had received communications from the admiral and other officers on that coast speaking of the horrors of the scenes in Catania, and describing them as a repetition of those which had before taken place in Messina. They also declared that the whole march of the Neapolitan army had been marked by fire and sword, and by the assassination of women and children. He believed that his noble Friend (Lord Beaumont) had in no way exaggerated the horrors which had accompanied the plunder and destruction of Catania—one of the most beautiful cities in Europe. It appeared that while that city had been given over to fire and pillage, the houses of the English and Maltese residents—and he did not know but the same thing had also happened with respect to the houses of the French residents—had been respected. Now it would be difficult to suppose that if the soldiers had been under no regular direction, they should have spared the houses of the English residents, who were no favourites with them. After the pillage and plundering had proceeded for some time, a remonstrance was made to General Filangieri, the Neapolitan general, by the officer in command of one of Her Majesty's ships, representing the horrid scenes which had taken place, and requesting him to endeavour to put a stop to them. Whether, on account of that remonstrance or not, he could not say, but certainly after that remonstrance had been presented, steps were taken to put an end to that state of things.

Lord BEAUMONT said that he would not move for the production of that particular paper, because, if laid upon the table, it would perhaps produce no more effect upon the noble Lord opposite, than the one before their Lordships with respect to what had occurred at Messina, the events which took place having been described by the noble Lord as the usual events of war. When he had heard that the property of English and Maltese subjects were alone respected, he certainly thought it but fair to suppose that the army had acted under positive and direct orders throughout the entire transaction. His Lordship then moved for a series of papers connected with the transactions of this country with Naples and Sicily, commencing with the year 1814, and continuing down to the present time. His object in moving for the production of these papers was in order to enable their Lordships distinctly to see whether or not this country had not violated some of its most solemn engagements with respect to those countries. If it appeared to him, upon the face of those papers, that they had abandoned the solemn engagements entered into by this country, either at a remote period or recently, nothing would deter him from bringing a Motion before their Lordships, in order that they might express their opinion of the Government which had thus sacrificed the national honour by not fulfilling the national engagements.

The MARQUESS of LANSDOWNE said that the whole of the papers moved for by the noble Lord had either been already printed or were in course of preparation for printing.

Motion agreed to.

SANITARY CONDITION OF LONDON.

LORD REDESDALE wished to know whether any measure affecting the health of the metropolis was in preparation, or when it would be brought forward? Seeing that London had been excluded from the operation of the general Bill of last year, it was the more necessary to have some information respecting this question.

The EARL of CARLISLE said, the Bill of last year had especially provided for the appointment of two commissions with reference to the Metropolitan Commissioners of Sewers and the City of London. A great part of the works to be undertaken was to be executed and conducted under the management of local boards; and it was of great importance that everything which was undertaken should be maturely considered before it was entered upon. There was the question of house drainage —the question of the disposal of the refuse matter — the preservation of the River Thames from improper contamination. The supply of pure water to the metropolis was another subject which should necessarily come under consideration. With respect to the question of burials within the precincts of the metropolis, he hoped to be able to bring in a Bill on that subject during the present Session.

LORD MONTEAGLE said, a proper sanitary system ought to be applied to the whole city of London, whatever might be the opinion of those supposed to be authorities on the subject.

CRUELTY TO ANIMALS PREVENTION BILL.

The DUKE of BEAUFORT moved the Second Reading of this Bill.

LORD CAMPBELL said, that he felt it his duty to oppose this Bill. The effect of one portion of it would be to deprive many persons in reduced circumstances of the assistance which they at present derived from the services of dogs. The Act proposed to provide a general registry of the number of dog-carts within every county in England, and the species of dogs licensed to draw those carts; and in another portion it provided, that if it should appear that any load manifestly beyond its strength should be drawn by any dog, the owner of the dog-cart should be liable to very severe penalties. Another clause to which he objected, prohibited any men, women, or children from riding in carts drawn by dogs. He thought that this would inflict hardship upon many infirm and decrepit persons, who were in the habit of being drawn by that docile, well-behaved, and excellent animal—the dog. He certainly did not think that it was any cruelty to dogs to allow them to draw carts—he had frequently seen his own children riding in a dog-cart with great delight. These regulations in the Bill to which he had referred were, however, totally unnecessary, as the sixth clanse enacted, that any person guilty of cruelty to animals should be made amenable to the law.

The DUKE of BEAUFORT had no objection to amend the Bill in Committee, in order to meet the views of the noble Lords.

The EARL of MINTO said, that this Bill was full of restrictions and penalties, and no case had been shown to exist calling for this large amount of interference. Any legislation upon this subject would, in his opinion, always prove inconsistent. Had the noble Duke never seen a very heavy man upon a very little horse? or persons urging their horses to the fullest speed, until they were ready to drop, in racing and hunting; and were not those cases of cruelty to animals equal to any of those to which this Bill had reference? He should move, as an Amendment to the noble Duke's Motion, that the Bill be read a second time that day six months.

After a few words from the DUKE of BEAUFORT,

The LORD CHANCELLOR put the Motion for the second reading, and declared it to be resolved in the affirmative.

LORD REDESDALE said, that under the plea of putting down cruelty to animals, among other things this Bill proposed to put down cockfighting. He did not, however, think that there was any cruelty whatever in that, when fairly and properly conducted.

The BISHOP of OXFORD supported the Bill because it was intended to put an end to a very great evil. The noble Earl who last spoke had objected to the measure because he said it dealt only with those cruelties practised by the poor, and not with those inflicted by the rich. If the noble Earl would refer to the second clause, he would find it was a general one, and had reference to the rich as well as the poor. For his own part he was willing to go further than the noble Duke who had introduced the measure, and to prohibit the driving of dogs under any circumstances. By being so employed on work for which he was not fitted, the dog was exposed to a great amount of suffering.

Earl GREY thought that most of the vices, and cruelty amongst other vices, were not proper subjects of legislation; but improvements were to be effected by the progress of civilisation, and the changes it produced on the tempers and characters of individuals. He was convinced that to attempt to put down acts of cruelty by legislation would do more harm than good, for they could only enforce it by informers, and that sort of machinery. What greater cruelty was there practised in this country than steeple chasing? It was difficult to define what was cruelty or what was not, and it was a question that must be determined by public opinion. It was in the highest degree objectionable that they should pass a Bill of this kind; and if the House should divide on the question, he would vote against it.

The Earl of MALMESBURY considered that this Bill would interfere with a certain class of persons, and he was inclined to prevent that interference, because hundreds of persons obtained a livelihood by having their carts drawn by dogs. They were employed to draw fish and other articles in parts of the country; and in these times it would be unwise to restrict persons in gaining their bread, unless it was clearly proved that the manner in which they did so was shocking to the public, and demoralising to the people. He hoped that part of the Bill would be withdrawn.

The Duke of ARGYLL differed from the opinion which had been expressed by the noble Earl the Secretary for the Colonies. To carry out the noble Lord's principle, they should not only refuse to pass this Bill, but they should move for the repeal of many laws now existing, as there was no line which they could actually draw between what was cruelty and what was not. He so far agreed with the noble Earl as to think that it would be better if these cruelties could be put down by the improved moral feeling of the community; but he did not think this a reason why they should not attempt to mitigate the evil by legislation. He asked the noble Lord would he move for the repeal of the law to prevent bull baiting? As a large class of the population was dependent upon the labour of dogs, he was not prepared to legislate on the subject; but if that clause were left out, he would give his hearty support to the Bill.

The Earl of CARLISLE was proceeding to address their Lordships, but was interrupted by

The LORD CHANCELLOR, who intimated that the second reading of the Bill had been carried.

Earl GREY observed that an Amendment had been moved, that the Bill be read a second time this day six months.

The LORD CHANCELLOR was understood to say that he was not aware of the Amendment being moved.

The Earl of MINTO said, he had distinctly moved that the Bill should be read a second time that day six months.

It was then arranged that the Amendment should not be then pressed, but the objection made in another stage of the Bill.

UNION OF TURNPIKE TRUSTS.

Lord REDESDALE laid on the table a Bill to facilitate the union of turnpike trusts. It was read a first time, and ordered to be read a second time on Monday.

House adjourned to Monday.

HOUSE OF COMMONS,

Friday, April 27, 1849.

Minutes.] New Writ.—For Sheffield, *v.* Henry George Ward, Esq., Chiltern Hundreds.

Public Bills.—1° Poor Relief (Ireland).

2° Exchequer Bills (17,786,700*l.*); Ecclesiastical Commission.

Reported.—Poor Laws (Ireland) Rate in Aid.

Petitions Presented. By Mr. John Tollemache, from Wyton, Huntingdonshire, against the Parliamentary Oaths Bill.—By Mr. Hume, from Inverbervie, Kincardineshire, for the Affirmation Bill.—By Mr. Carter, from Winchester, and by other hon. Members, for the Clergy Relief Bill.—By Mr. Goulburn, from Clergy of the Archdeaconry of Middlesex, against, and by Captain Edwards, from Halifax, in favour of, the Marriages Bill.—By Mr. Benjamin Smith, from Dunfermline, and by other hon. Members, from several Places, against the Sunday Travelling on Railways Bill.—By Mr. Disraeli, from Proprietors and Planters of Jamaica, and from Inhabitants of Nova Scotia, for Inquiry and Redress.—By Lord Rendlesham, from a great Number of Places in the Eastern Division of the County of Suffolk, for Repeal of the Duty on

Malt.—By Mr. Cobden, from Great Yarmouth, and other Places, for Reduction of the Public Expenditure.—By Mr. Forster, from the North British Railway Company, respecting Taxation of Railways.—By Mr. Disraeli, from the Eton Union, for Rating Owners of Tenements in lieu of Occupiers; and from Colchester, for Agricultural Relief.—From Members of the Irish Branch of the United Church of England and Ireland, for giving Encouragement to Schools in Connexion with the Church Education Society for Ireland.—By General Lygon, from Worcester, against the Friendly Societies Bill.—By Mr. Hume, from Montrose, against the Lunatics (Scotland) Bill.—By Mr. Drummond, from the Dorking Union, for Redress of Grievances affecting Poor Law Medical Officers.—By Mr. Cowper, from Bishop Stortford Union, Herts, for a Superannuation Fund for Poor Law Officers.—By Viscount Bernard, from Ballyclough, County of Cork, for an Alteration of the Poor Law (Ireland).—By Mr. Mundy, from Ratepayers of the County of Derby, against the Public Roads (England and North Wales) Bill.—By the Marquess of Granby, from Magistrates of Stamford, for an Alteration of the Sale of Beer Act.—By Mr. Masterman, from the City of London, against the Removal of Smithfield Market.—By Mr. George Thompson, from Languike, Glamorganshire, and by other hon. Members, that International Disputes may be referred to the Decision of Arbitration.

METROPOLITAN POLICE.

LORD D. STUART wished to ask the right hon. Gentleman the Home Secretary a question, as to the intentions of the Government regarding the rating of the parishes in Middlesex for the support of the police. The Police Act gave the Government the power of issuing 90,000*l.* from the Consolidated Fund towards the support of that body, whenever the rates in the parishes amounted to a certain sum in the pound. In 1847 the magistrates of Middlesex had re-assessed the county, the effect of which act was to raise the rateable property from 6,200,000*l.* to 7,700,000*l.* An additional sum towards the maintenance of the police was raised, amounting to upwards of 35,000*l.* He wished to ask whether it was the intention of the Government to relieve the parishes of the great additional burdens that had been imposed upon them last year in consequence of the extraordinary circumstances of the case?

SIR G. GREY said, that when the metropolitan police were first established it was necessary that a rate amounting to 8*d.* in the pound should be levied. This rate was afterwards reduced to 6*d.*, a charge having been placed on the Consolidated Fund, by which a portion of the expense of the police was defrayed, in consideration of their general as distinguished from their local service. The charge upon the Consolidated Fund amounted to 90,000*l.* It was anticipated, in consequence of a new assessment last year for Middlesex, that the result would be such as to render it possible for an application to be made to Parliament to reduce the assesment from 6*d.* to 5*d.* Circumstances afterwards transpired which rendered it necessary, in the opinion of the Government, and, as he believed, in the opinion of the public generally, to increase the police force considerably. He was not prepared to say that any reduction of this force could now be made, considering that there had been an increase in the population within the year of 220,000, and no less than 1,476 new streets. He would give the noble Lord the same answer he had given the deputations that waited upon him in reference to this subject—that it would be desirable, if possible, to have a more equitable assessment of the metropolitan districts. If the result of any such measure should be a surplus, he could assure the noble Lord and the House, that the Government had no desire whatever to press for a greater sum than was indispensably necessary. He must, however, warn the noble Lord from encouraging the impression that, in the event of a surplus fund thus arising, the metropolitan ratepayers would have the whole benefit of it. It should be recollected that the Consolidated Fund was contributing 90,000*l.* a year. It would, therefore, be a matter of consideration with the Government whether it ought not to have a share in such an advantage as well as the ratepayers.

Subject at an end.

IRISH APPOINTMENTS.

CAPTAIN BATESON asked the Chancellor of the Exchequer, in the absence of the Master of the Mint (Mr. Sheil), whether it was true that a certain young gentleman, who was not a solicitor in England, and who had only been sworn in within a few days in Ireland—he meant Mr. Reynolds, the son of the hon. Member for Dublin—was appointed to the responsible and lucrative situation of Solicitor to the Mint.

The CHANCELLOR OF THE EXCHEQUER: No, he is not. At the same time it was true that he had been appointed a clerk in the office of the Solicitor to the Treasury and the Mint in Ireland, which offices had been amalgamated; but upon the question being put to the Solicitor for the Treasury and the Mint, whether it was desirable that this clerk should be a solicitor or not, the answer was that he should not.

CAPTAIN BATESON: Is he not a solicitor?

The CHANCELLOR OF THE EXCHE-

QUER: To the best of my belief, he is not.

Subject dropped.

NAPLES AND SICILY—THE BOMBAY STEAMER.

MR. DISRAELI said, it would be in the recollection of the House that some time ago the *Bombay* steamer, which had been hired or purchased by the Provisional Government of Sicily, was seized in this country. An idea was prevalent that great efforts were making by the agents of the insurgent Government to release this steamer. He wished to ask the noble Lord at the head of the Government whether they had any intention to assist the agents of that Government in these proceedings of theirs, or whether it was the intention of the Government to allow the case to be adjudicated upon by the courts of law in the usual way?

LORD J. RUSSELL said, that there had been reason to believe that the *Bombay* steamer had come under the provisions of the Foreign Enlistment Act, and accordingly the Board of Admiralty detained the vessel. The owners of the vessel made representations, stating that there was no legal reason for detaining the steamer. The opinion of the law officers of the Crown was then asked, but it had not yet been delivered. If it should prove that there were no legal grounds for detaining the vessel, the Government would not act contrary to law in detaining it; but if, on the contrary, the seizure should prove lawful, the Government would act accordingly.

Subject at an end.

POOR LAWS (IRELAND)—RATE IN AID BILL.

MR. SPEAKER, on the Motion being put for the House to go into Committee on the Rate in Aid Bill, informed Sir H. W. Barron that he could not, consistently with the rules of the House, move the instruction to the Committee which stood on the Paper against his name.

LORD J. RUSSELL: I apprehend, Sir, that opinion equally applies to any such proposition in the Committee?

MR. SPEAKER: To any proposition extending the rate, or altering its application; for to any such proposition a resolution of a Committee of the whole House would regularly be required.

The House then went into Committee; Mr. Bernal in the chair.

On Clause 1,

SIR H. W. BARRON said, that having been precluded by the forms of the House from moving as an instruction to the Committee that all funds raised under this Bill be levied on property in Ireland which was not at present charged with poor-rates, he could not allow the opportunity to pass without appealing to the noble Lord at the head of the Government, against the great injustice which the Bill would inflict on the ratepayers of Ireland, by levying from them an additional rate. He complained that the legislation for Ireland was never founded on adequate information, and that any evidence but that of Irishmen, who well knew the country, was made the basis of it. The present Bill was an example of this which could not have been anticipated by him, although an advocate for a poor-rate, and surely was not anticipated by the Government; for when the noble Lord moved for a vote of 50,000*l.* some time ago, he stated that it was not likely to be the last vote which he should have to ask for Ireland during the present Session. This week, however, the Government had so far changed as to propose laying an additional burden on distressed Ireland; and why he could not understand, unless it were that the noble Lord saw the House was unwilling to make any more grants for Ireland. Although it was strongly required that grants should be made to enable the people of Ireland to escape from the distress into which they were plunged, it was now proposed to impose another burden on them by a Bill which was meant merely to save the pockets of the people of this country. Already the poor-rate bore heavily upon the people of Ireland without any addition to it; already they were taxed under that head to the amount of 9 per cent on all the property of the country. Taking that property as amounting to 13,000,000*l.*, the rate at 9 per cent would yield about 1,626,000*l.* as the amount now levied from that distressed people on whom this Bill was about to impose an increased burden. In conclusion he begged to say, that he should oppose in every shape, and on every occasion, the infliction of a tax fraught with so much mischief and injustice to the impoverished people of Ireland.

CAPTAIN JONES stated, that it was his intention to take the sense of the Committee on this clause; and he would do so by moving the omission of the words by which the Poor Law Commissioners were empowered to fix and declare the amount which, from time to time, they might deem it expedient or necessary to impose under the Bill. He was of opinion that the guardians, and not merely the commissioners, ought to have a voice in determining the amount, and which ought to have reference to the means of the union. He had stated on a former occasion that he believed it would be found impossible to levy this rate in aid; and he felt confident that in any attempt to levy it, the whole poor-law system in Ireland would be placed in jeopardy, and probably completely destroyed. This he, for one, would regret.

First Clause (Poor Law Commissioners in Ireland may authorise the levying a rate in aid):—Page 1, line 8, Amendment proposed, to leave out the words "to fix and declare from time to time the amount of such sum."

Mr. G. A. HAMILTON said, he would state very shortly his reason for supporting the proposition of his hon. and gallant Friend, and would point out what, as appeared to him, would be the effect of this clause, in order to justify himself in the course he had taken in opposition to the whole Bill, and in the conclusion he had arrived at, that an income tax, or any other mode of taxation, would be preferable to that which would be imposed under the Bill. The first clause made it imperative on the commissioners to impose the rate in aid in every union in Ireland of 6*d*. in the pound on the valuation. He would like to know how they were to deal with the insolvent unions. If the rate in aid was to be assessed upon the insolvent unions, and the clause certainly seemed to require it, he would only say it seemed to him rather an Irish mode of legislation. But passing by the insolvent unions in the west, it appeared to him that the certain effect of the clause would be to derange the whole system, and to pauperise some electoral divisions in every province and almost in every county in Ireland. It was very remarkable, in looking into the papers on the table, to observe how small a rate had the effect of breaking down and pauperising the western unions. It would be seen in the tables appended to the eight series of papers on the state of unions, page xxxiii, that in the union of Ballina, one of the insolvent unions, only 2*s*. 1*d*. in the pound had been collected and lodged during the year ending 29th September, 1848; in the Bantry union, only 3*s*. 2*d*.; in the Galway union, where there were ten writs and two executions against the guardians, only 1*s*. 5½*d*.; in the Gort union, only 3*s*. 1½*d*.; in the Kenmare union, 4*s*. 10*d*.; in the Scariff union, 6*s*. 6½*d*. It could not be stated that due means had not been used in those unions to collect the rates. What do the inspectors state? They all state that the utmost exertions have been used. The inspector for Scariff union states—

> "With regard to the collection of the rate, I have devoted every exertion of mind and body to this important object; the collectors have been stimulated to use their fullest legal powers in the performance of their duty."

And he adds—

> "Many of the ratepayers are now in the workhouse, or are become paupers receiving outdoor relief, who only a few weeks past paid the poor-rate—a large landed proprietor of the union, who had been reduced to support his family on the milk of two cows, had them seized for debt; they were redeemed by a friend and restored to him out of pity to his children, who that day were without food; but the cows were subsequently seized by the collector of poor-rates, and again sold; even the goat of the cottager had been seized in like manner."

It was obvious, therefore, that the exaction of what some hon. Members might consider a small rate, namely, 3*s*. or 4*s*. in the pound, had in many cases in Ireland the effect of breaking down a union. Now, if hon. Members would turn to other parts of Ireland, they would find there was scarcely a county in which there was not some electoral divisions on the very eve of bankruptcy. He would take the county of Antrim. There was an electoral division in the union of Ballycastle, where the poor-law charge levied the last year was 3*s*. 8¾*d*.—add 6*d*. for the rate in aid, and there would be 4*s*. 3*d*.—a rate larger than that which had broken down the western unions. In the same county there was an electoral division rated so low as 4*d*.; the unequal pressure of the rate in aid upon two electoral divisions so differently burdened, would be a great ground of complaint. In Armagh county there was an electoral division in the union of Lurgan, where the charge was 5*s*. 4*d*.; in Cavan, 7*s*. 8*d*.; in Tyrone, 5*s*. These all must be in a most struggling condition, on the verge of insolvency, and the additional 6*d*. would complete it. But supposing these electoral divisions were unable to contribute the additional 6*d*., what would be the effect of the clause? Why, the commissioners were empowered to abstract from the general funds of each union 6*d*. in the pound on the entire valuation. The consequence would be, that the solvent electoral division in each union would have to pay for the insolvent ones; and if half the electoral divisions in a union were insolvent, the 6*d.* rate in aid would become 1*s.* on the remainder. Now, he had no fear that the people of the north or east of Ireland would have recourse to any illegal or improper means to resist the rate in aid; but he believed the effect of the injustice it would perpetrate, would be such as to disgust all parties with the whole poor-law system, and create a feeling against it which would be quite as destructive to it as any illegal resistance. Her Majesty's Government had been sufficiently warned of this; and if it should happen hereafter that they should be obliged to abandon its collection, and the 100,000*l.* advanced on the credit of it should not be repaid, he trusted no English Member would accuse Irish Members of dealing unfairly by them, or Ireland of repudiating that debt.

LORD J. RUSSELL admitted that the proposition of a rate in aid was accompanied with great difficulties; but he could not allow the language which had been employed by the hon. Baronet the Member for Waterford to pass without protesting against its injustice. The hon. Baronet stated that they wanted to save their own pockets, and to tax the poverty of Ireland. Now, so far from that being the case, he believed that England had never made such exertions on her own behalf as she had made to save Ireland. He did not wish to boast of the exertions that had been made; but when he heard it stated over and over again that England had done nothing to relieve the misery of Ireland, he could not but refer to the grants and advances of upwards of nine millions sterling, and to the proposals which had been made every Session for the purpose of assisting Ireland. It was hardly just, then, when hon. Gentlemen representing English counties said that they could not consent to further grants, to accuse them of refusing all assistance, and of throwing the whole burden upon Ireland. The fact was that there did prevail this year, as in former years, very deep and extensive distress, arising from the failure of the food of the country. Had the potato crop been abundant last year, the Government might not have had to ask for this extraordinary aid. But that, unhappily, had not been the case, and it appeared from reports from the Poor Law Commissioners, and from private communications, that the utmost distress did exist. In a letter received by himself only that morning, from the Protestant clergyman of Ballinrobe, it was stated that in a workhouse built for 800 persons there were now 2,000; that the number of deaths was dreadful; and that the admission to the workhouse might almost be regarded as a passage to the grave. There might be measures proposed to alleviate the social state of Ireland in a few years, but he asked now, as he asked before over and over again, what was to be done between the 1st of May and the 1st of August? Should they propose very large grants from the exchequer? To that the House generally was very much indisposed. Was it not possible, then, for Irish Gentlemen to agree to some means of levying the necessary funds to relieve the extreme distress of their country? An income tax had been proposed; but that measure had been fairly brought forward by the hon. Member for Kerry, and had been fully discussed. It had been rejected by the House, and he did not see that any good end would be served by again proposing it. The House having on the other hand resolved in favour of the rate in aid, he did ask the Committee now to allow the Bill to proceed; for he saw nothing but the most dreadful fate in store for the destitute poor of Ireland if it were not agreed to. The hon. Gentleman who spoke last inquired whether the rate would be levied upon greatly distressed unions. In answer to that he would say that in cases where it was not possible to levy the ordinary poor-rates, this sixpenny rate would not be collected. It was not possible, however, to insert in the Bill a certain number of unions to be exempted, because if they did that in the case of certain unions, questions would constantly arise as to other unions whether or not they ought to be exempted. He did not controvert at all the statement that there were strong objections to the imposition of an additional rate in Ireland in her present circumstances; but he believed it to be the only resource left them in Ireland's present moment of extreme distress and destitution.

MR. STAFFORD said, he was not acquainted with any union in Ireland where no poor's-rates at all were collected. But if in certain distressed unions the commissioners were to have a discretionary power —["No, no!"]—"No!" then he should like to know what was meant. As the Bill now stood, the Poor Law Commissioners were compelled to levy a rate of 6*d.* in every union in Ireland. It gave them no dispensing power; but if they were to have that power, as the speech of the noble Lord at the head of the Government clearly indicated, a clause should be introduced into the Bill to that effect. He wished to draw the attention of the Committee to this circumstance, that having proceeded thus far in this Bill, the Government had themselves stated that in certain unions the levy of the 6*d.* rate would be impossible. They did not state the number of those unions ; but according to the accounts of all the Irish Members, they were very much upon the increase, and in proportion as they did increase, the value of the security for the advance of 100,000*l.* would be diminished. He wished to know in how great a proportion of the area of Ireland this rate would be raised, and why Government refused to give a dispensing power to the commissioners ; which the noble Lord had stated would be absolutely necessary.

Sir G. GREY said, that what his noble Friend had said was that, practically, he did not anticipate that it would be possible to levy this 6*d.* rate in all the unions. This was a difficulty which attached to every law which imposed rates on the whole population; but the commissioners were to enforce the rates in all cases in which they could be enforced. The objection taken to the general terms in which the law was framed, was equally applicable to all laws.

Viscount CASTLEREAGH said, that in the course of the noble Lord's speech, reference was made to the unions in Ireland in which the rates could not be levied. He (Viscount Castlereagh) held in his hand a return of the financial condition of the following 13 unions in Ireland—namely, Ballina, Bantry, Clifden, Galway, Gort, Kenmare, Kilrush, Scariff, Westport, Ballinrobe, Castlebar, Carrick-on-Shannon, and Ennistymon; and by that return it appeared that the rate collected in 1848 was 114,474*l.*, and that the grants in aid in the same year amounted to 194,043*l.*, making the total funds 308,517*l.*; whilst the expenditure was 340,624*l.* The liabilities for 1849, carrying forward the surplus of expenditure, were the debts due on the 27th January, 104,926*l.*; relief advances from Burgoyne's, or the "stirabout" commission in 1847, 106,108*l.*, and the same expenditure as in 1848, 340,624*l.*; thus making the total liabilities of the 13 unions for the present year 551,658*l.* The assets were—outstanding rates uncollected, 58,968*l.*, and the same amount of rate as was levied in 1848, 114,474*l.*; together, 173,442*l.*; thus leaving a deficit of 378,216*l.* And even if the gross amount of the rate in aid, supposing it to be levied at 6*d.*, which would come to 329,685*l.*, were deducted from that 378,216*l.*, a deficit would still remain of 48,531*l.* Such was the financial condition of these thirteen unions. But, in addition to this statement, it appeared that at the close of the year 1848, 86 unions out of 131 were indebted in the sum of 268,273*l.* And surely if those unions were unable to discharge their own debts, it was not very likely that they would be able to pay the debts of others.

Sir DENHAM NORREYS did not think there would be any difficulty as to this Bill, as the moiety of all sums which were paid was to be transferred to the rate in aid accounts. He agreed with the hon. Member for the University of Dublin, that it was most unfortunate the noble Lord the First Minister of the Crown did not adopt some scale which should exempt districts which at present were unable to pay their own expenditure. There were upwards of 2,000 electoral divisions; of these 539 were in the course of the collection of rates of the amount of 5*s.* and upwards; but of these electoral divisions so rated only 148 actually paid 5*s.* in the pound. Could anything more clearly show the impossibility of raising an extra rate ? In Ulster, which had been referred to as a model province, there were 98 electoral divisions in which 5*s.* and upwards was in the course of collection; only 17 of these electoral divisions were able to pay 5*s.* in the pound. Therefore, it was utterly hopeless for the noble Lord to raise 6*d.* in the pound in aid of the current expenses.

Sir R. FERGUSON complained of the impolicy and harshness of the measure, and expressed his conviction that very great difficulty would be experienced in levying the rate.

Mr. SADLEIR wished Government to consider the propriety of making an advance of 100,000*l.* on the security of the enormous sum due for poor-rate in Ireland. The arrears of poor-rate amounted to 500,000*l.*, and would furnish security for this advance of 100,000*l.* Might not Government with great advantage introduce into the measure proposed by the Solicitor General a simple power to sell a certain portion of those estates which were justly liable to the poor-rates? As to the observations of the hon. Member for Northamptonshire, that every union in Ireland must be liable, he gathered from the noble Lord at the head of the Government, that it was proposed that every union should contribute more or less to the payment of the rate in aid. There were some electoral divisions which were seriously considering how they could practically exempt themselves from the rate in aid.

Sir A. B. BROOKE said, that the feeling in his district was against the rate in aid, and he did not believe that one farthing of the sixpenny rate in aid would be collected without the greatest difficulty. He denied that the noble Lord at the head of the Government had fairly brought the question of the income tax before the House. He did not wish it to go forth that Irish Members were unconditionally opposed to every species of legislation, and all he asked of the noble Lord was to appoint a Committee to consider the propriety of imposing an income tax on fair and equitable grounds.

Sir W. VERNER considered, from what he had heard, that the difficulty of levying this tax was beyond what could be conceived. The hon. Member for Manchester had taken on himself to state that the unions in the province of Ulster were opposed to this measure, because they were actually coerced. Now, he had taken the trouble of looking at the petitions presented to the House, and there were upwards of seventy petitions against this measure. He believed there were no persons in Ireland more competent to judge of the working of the system than the guardians; and when the hon. Member took on himself to speak of the motives which influenced the province, he (Sir W. Verner) would ask him who had influenced the guardians?

Mr. STAFFORD said, when he considered they had to advance 100,000*l.* on this Bill, he felt it his duty, as an English Member, closely to watch the progress of the measure, and for the sake of his constituents to see that the security was as good as possible. As regarded Ireland itself, he feared that the more distressed the union, the more oppressive would be the operation of the rate, for in the distressed unions rates would be highest, and consequently the rate in aid would come soonest into operation.

Mr. SHARMAN CRAWFORD augured great danger to the poor-law generally from the working of this Bill. In the part of Ireland with which he was acquainted, the people would never become willing agents in the collection of the rate, because they considered it to be a breach of national faith and of the Articles of Union. It was, in fact, a delusion both as regarded England and Ireland, as it would neither repay the English advance, nor relieve the Irish destitution.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided: — Ayes 81; Noes 28: Majority 53.

List of the Ayes.

Adair, R. A. S.
Anson, hon. Col.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Bellew, R. M.
Berkeley, hon. Capt.
Boyle, hon. Col.
Brackley, Visct.
Brotherton, J.
Busfeild, W.
Campbell, hon. W. F.
Carter, J. B.
Coke, hon. E. K.
Cowper, hon. W. F.
Craig, W. G.
Crowder, R. B.
Drummond, H.
Ebrington, Visct.
Ellis, J.
Evans, W.
Fagan, W.
Foley, J. H. H.
Fordyce, A. D.
Gibson, rt. hon. T. M.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Harris, R.
Hayter, rt. hon. W. G.
Heald, J.
Henry, A.
Heywood, J.
Heyworth, L.
Hollond, R.
Howard, Lord E.
Howard, hon. C. W. G.
Jervis, Sir J.
Kershaw, J.
Lacy, H. C.
Lascelles, hon. W. S.
Lewis, G. C.
M'Gregor, J.
Maitland, T.
Maule, rt. hon. F.
Milner, W. M. E.
Molesworth, Sir W.
Morison, Sir W.
Mostyn, hon. E. M. L.
O'Connor, F.
Owen, Sir J.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Pearson, C.
Peel, rt. hon. Sir R.
Perfect, R.
Pilkington, J.
Power, N.
Pryse, P.
Reynolds, J.
Rich, H.
Rumbold, C. E.
Russell, Lord J.
Rutherfurd, A.
Scrope, G. P.
Shafto, R. D.
Smith, J. A.
Smith, M. T.
Somerville, rt. hn. Sir W.
Stanton, W. H.
Strickland, Sir G.
Sturt, H. G.
Talfourd, Serj.
Thicknesse, R. A.
Thompson, Col.
Vane, Lord H.
Wawn, J. T.
Williams, J.
Willyams, H.
Wood, rt. hon. Sir C.
Wyld, J.

TELLERS.

Hill, Lord M.
Tufnell, H.

List of the Noes.

Alexander, N.
Barron, Sir H. W.
Bentinck, Lord H.
Brooke, Sir A. B.
Bruen, Col.
Castlereagh, Visct.
Clements, hon. C. S.
Corry, rt. hon. H. L.
Crawford, W. S.
Dawson, hon. T. V.
Dunne, F. P.
Ferguson, Sir R. A.
Grattan, H.
Grogan, E.

Keating, R.
Keogh, W.
Lawless, hon. C.
Macnaghten, Sir E.
O'Brien, Sir L.
Rawdon, Col.
Richards, R.
Sadleir, J.
Stafford, A.
Sullivan, M.
Tennent, R. J.
Urquhart, D.
Verner, Sir W.
Young, Sir J.

TELLERS.
Hamilton, G. A.
Jones, Capt.

Mr. W. FAGAN then rose to propose the addition of the following proviso. He believed if it were acceded to it would go a great way in neutralising the opposition to the Bill:—

> "Provided always, That the occupier of all rateable hereditaments in any Union who shall not have any greater estate or interest therein than a tenancy from year to year, or who shall hold under a lease or leases terminable on the demise of one life, concurrent with thirty-one years, or under a lease of years not exceeding thirty-one years, or under a lease for one life without years concurrent therewith, shall be entitled to deduct from the rent payable by him to his immediate lessor, the full amount of all rates and arrears of rate paid by him under and by virtue of this Act: Provided further, that every person not an occupier as aforesaid, who shall pay rent in respect of any lands or tenements, shall not be entitled to deduct from the rent paid by him, any greater sum than a sum bearing such proportion to the amount of rate deducted from the rent received by him, as the rent paid by him bears to the rent received by him."

Lord J. RUSSELL doubted if the proviso came within the scope of the resolution on which the Bill was founded. He should be glad to hear the Chairman's opinion on the subject.

The CHAIRMAN said, the question was one of considerable difficulty. He doubted very much whether the proviso came within the scope of the resolution.

Sir G. GREY feared that it would be impossible to give effect to this proviso without altering other portions of the Bill, although the principle might be a very proper one to raise on a general amendment of the poor-law.

Lord J. RUSSELL said, he had consulted Mr. Speaker, who was of opinion that the words of the resolution on which the Bill was founded were of so very general a character as to make it very difficult to say whether the present Amendment did not come within their scope. At the same time it was the opinion of Mr. Speaker that if the proviso was calculated to alter the poor-law, it could not be put, seeing that the resolution on which the Bill was founded gave no power to alter the poor-law. He had himself some doubts as to whether the proviso did not alter the poor-law.

Mr. J. O'CONNELL said, as this Bill was merely a temporary measure, not interfering with the general poor-law, he thought that the proviso might be put. If the noble Lord would admit it, it would remove a great many difficulties out of his way.

Lord J. RUSSELL remarked, that he was quite ready to abide by the decision of the Chairman as to whether the proviso should be rejected on a point of form, or as to whether it should be argued on its own merits. If the Chairman thought that the proviso could be legitimately put and debated, he, for one, would be very ready to accept that decision.

The CHAIRMAN said, that it was difficult for him to pronounce at once whether the effect of the clause proposed would be to alter the existing state of the Irish poor-law. The doubt which he entertained was this—the measure before them was a Bill making temporary provision for a period of difficulty; for levying, in fact, a rate in aid. Now, the proviso pointed to this temporary provision, and not to the existing poor-law. His belief, therefore, was that the Amendment would not have the effect of altering the permanent law; at the same time he felt a difficulty, and he thought that the most conscientious way of discharging his duty was frankly to state the doubt existing in his mind to the House.

Lord J. RUSSELL would not, under these circumstances, object to the proviso being argued upon its merits.

The CHAIRMAN then put the question as to whether the proviso should be inserted.

Mr. POULETT SCROPE was anxious to see how those Irish Members, who had expressed such a decided objection to the rate in aid—because it would throw the burden upon the poor occupier—that they asked for the imposition of an income tax instead, would vote on this proposition, the effect of which was to transfer the burden to the shoulders of the landlords.

Major BLACKALL: Though he might be willing to pay the rate for his poorer tenants if this rate should be proposed, he considered it extremely unjust to compel the landlord to pay in all cases for his tenants, who might have as much interest in the land as himself.

Mr. J. O'CONNELL suggested that the clause should exempt tenants at will only, as that would encourage landlords to give leases.

SIR W. SOMERVILLE thought it most unadvisable in a Bill of a temporary nature, and brought forward for a temporary purpose, to introduce so great a change in the principle of rating.

MR. G. A. HAMILTON also opposed the Amendment.

MR. REYNOLDS understood that if the Amendment passed in its present shape, it would throw the whole burden on the landlord, and exempt the tenant. That was the fair construction—and that was the ground on which he was prepared to support it. This Amendment would test the sincerity of the 165 Members who had voted for the Motion of the hon. and gallant Member for Longford, which was something very like a proposal for imposing an income tax, instead of the rate in aid. The present proposition of his hon. Friend the Member for Cork would relieve the tenants altogether from that burden which those hon. Gentlemen considered so oppressive that they preferred an income tax to it. Every man holding land as tenant at will or on lease would have the right to deduct the rate from the rent; this would not only relieve the tenant, but remove all the difficulties of collection, and he hoped, therefore, that those Irish Members who were so anxious to protect the tenants from the burden would vote for it. He regretted that the original poor-law had not proceeded upon the same principle; if it had they should have got rid of the landlord clamour. On a former occasion he had voted for the rate in aid, and he had found since that in doing so he was acting in accordance with the feeling of his constituents. ["Oh, oh!"] This was proved by the fact, that at a meeting held the other day of the town council of Dublin, called for the purpose of petitioning against the rate in aid, a petition in favour of the measure was adopted almost unanimously, and he had a day ago presented that petition to the House.

SIR H. W. BARRON objected to the proposition, as being a departure from the principle of the poor-law, in which the great error, as he thought, was that in the matter of rating it was not assimilated to the English law, which made the occupier liable in all cases. He contended that it never had been the intention of the House that the 100,000*l.* already granted for the relief of distress in Ireland, should be levied upon the landlords. Those who supported the first and second reading of the Rate in Aid Bill had not understood any such intention to exist, and therefore in honour, justice, and principle, hon. Members were bound to oppose the Amendment.

SIR G. GREY objected to any alteration being made in the general principle of the Rate in Aid Bill, and for that reason deprecated the adoption of the proviso of the hon. Member for Cork.

SIR H. W. BARRON was satisfied with the explanation of the right hon. Baronet, but must confess that he was somewhat astonished at the coolness with which the hon. Member for Dublin was about to crucify the Irish landlords. That hon. Member was excessively liberal with other people's property; but it might be well to ask whether he was quite so liberal with his own. It was uncommonly easy to vote where a man had nothing himself to vote away.

MR. REYNOLDS reminded the House that he had not made use of the word "crucify." He left expressions of that kind to the excellent and elegant vocabulary of the eloquent Baronet the Member for Waterford.

MR. SCULLY thought the Amendment was of too sweeping a nature in exempting not merely tenants from year to year and tenants at will, but other classes of tenants also.

SIR A. B. BROOKE was so utterly opposed to Her Majesty's Government on this question that he would not vote in the division. He disapproved of the Amendment, and of the odium which had been attempted to be cast upon the landed proprietary of Ireland by the hon. Member for Dublin, and he would leave that hon. Member and the Government to settle the point between them as to who should pay the rate.

MR. SHARMAN CRAWFORD opposed the Amendment upon the ground that it was based on injustice, and that the hon. Member for Cork could not have considered all the bearings of the question when he proposed it for the adoption of the House. He believed that tenants at will were not in many cases entitled to exemption. He desired that landlords and tenants should alike possess a mutual interest in preventing the evils of pauperism, but that desirable object would not be attained if the whole burden were thrown upon the landlords.

MR. KEOGH called on the hon. Member for Cork to explain his Amendment. It appeared, that if the landlord executed a lease for one year, he was to pay; if he did not execute it, he was to pay also. In any case, the landlord was to pay them. In the same sentence, it would appear that the landlord was both to pay and to receive rent. [Mr. Fagan: That's the middleman.] Well, really, if some third person was meant, the clause should be made intelligible.

Question put, "That the Proviso be there added."

The Committee divided:—Ayes 13; Noes 101: Majority 88.

List of the Ayes.

Adair, R. A. S.
Fox, W. J.
Greene, J.
Henry, A.
Keating, R.
Kershaw, J.
M'Cullagh, W. T.
Moore, G. H.
O'Connell, J.
Scrope, G. P.
Tennent, R. J.
Thompson, Col.
Wawn, J. T.

TELLERS.

Fagan, W.
Reynolds, J.

Clause 2.

Colonel DUNNE moved an Amendment of which he had given notice, to the effect that the rate in aid should be collected separately from the general rate under the Irish Poor Law Act.

Amendment proposed, page 2, line 11, to leave out the word "in," in order to add the words "by a separate Rate to be made immediately subsequent to."

Sir G. GREY observed, that the rates had been combined, as the money was more likely to be got if no distinction were made. Hon. Members opposed to the sixpenny rate had with a very creditable feeling expressed their desire that the rate should be collected without incurring the risk they apprehended of collision, or of a necessity arising for the use of the police and military. The less obnoxious the mode of collection, the less likely were they to incur the evils anticipated by some; and Her Majesty's Government had therefore thought it better, upon the whole, that the plan now proposed should be adopted. He must, therefore, oppose the Amendment.

Mr. R. M. FOX was for having the rate collected separately. He thought the people should be asked distinctly whether they would or would not pay 6*d*. in the pound, and that it was most objectionable to mix up a temporary rate of that nature with the permanent poor-rate.

Mr. STAFFORD said, the temporary rate could not be collected separately—that the Government dare not levy it in that form—and that, therefore, Ministers were compelled to disguise the obnoxious nature of it by levying it with the other poor-rates. One hon. Gentleman had remarked that the other rates would float the sixpence. His opinion was, that the sixpence would sink the other rates, and that the truth of the predictions of the Irish Members, with reference to the resistance that would be given to the collection in Ireland, would hereafter be fulfilled.

Colonel DUNNE felt satisfied with the turn the discussion had taken. His Amendment had effected exactly what he intended it should. The Government, by the mixing up of the two rates, had admitted the injustice of their present attempt, and that admission was now upon record.

Sir G. GREY thought the hon. and gallant Member had drawn an erroneous conclusion. The Government, by the plan of collection they proposed, had simply endeavoured to make the proposed rate as little obnoxious as possible.

Lord J. RUSSELL said, the argument of the hon. and gallant Mover of the Amendment was this—that it was desirable to exact the rate separately, in order to put the question to the people, whether they would or would not pay, Now, that was not a desirable issue. When a law was once made, it ought to be obeyed; and therefore he could not understand why the hon. and gallant Member should be so very desirous of putting such a question to the tenantry. Undoubtedly, if the House wished to provoke resistance, the way to do so was to impose the rate separately, and to put it to the people whether they would or would not pay; but as there were persons ready to make violent harangues in Ireland, and to persuade their hearers to resist the tax, it was not desirable to levy it in the manner now proposed.

Mr. R. M. FOX apprehended that his observations had been misunderstood by the noble Lord. He believed that the rate would be likely to be collected separately, if it were left to the good feeling of the people of the north of Ireland to say whether they would contribute towards the support of the distressed unions in Connaught. He had never dreamed of being so mad as to countenance resistance to its collection.

Lord J. RUSSELL expressed his regret if he had misunderstood any hon. Member.

Mr. O'FLAHERTY believed the House

was about to practise a delusion upon the sister country; but as the object of the right hon. Gentleman the Home Secretary was to impose the tax quietly, and to render it as palatable as possible, he hoped the Amendment would not be pressed to a division.

COLONEL DUNNE said, it was because the proposed plan of levying was a delusion that he should divide the House.

MR. REYNOLDS observed, that although the rate in aid might be a delusion, the 100,000*l.* loan was undeserving of any such appellation. That loan would appear to be a reality. The hon. Member for Northamptonshire had asked that night what security there was for the 100,000*l.*; but now there was some room to doubt that hon. Member's sincerity on this subject, inasmuch as he was about to vote for the Amendment, which would jeopardise the collection of the rate, and render the security less certain. ["No, no!"] He (Mr. Reynolds) said, "Yes, yes," because it was admitted on the other side that it would be impossible to collect it separately. The right hon. Gentleman the Home Secretary was not to be caught in the trap laid for him by the hon. and gallant Member for Portarlington, because he would mix it up with the general rate, and thereby render its collection facile. The argument of the hon. Member for Northamptonshire was, let it be collected separately, in order that it may not be collected at all. Now he (Mr. Reynolds) was sincerely anxious for its collection. He was honest on the question. [*Laughter.*] He was glad the phrase "honesty" had excited laughter. Hon. Members appeared to have some qualms of conscience. Let them ask themselves, were they strictly honest? He believed they were, although there was no obstacle which human ingenuity could invent that they had not put in motion to retard this Bill. He did not charge them with a want of humanity, but they should recollect that whilst they were protracting the carrying of this question, their fellow-countrymen were dying in the ditches of starvation. No man was less disposed to shield the present or any other Government than he was. He believed that every Government had certain sins to answer for; but in Ireland the people were too much in the habit of blaming the Government for their own faults, and if they (the people) tested their own consciences sincerely, they would find that a large amount of the miseries of the land lay at their own doors. He stated this even at the risk of creating discontent in the minds of those who, *par excellence*, or something else, possessed the green acres of the country; and he told that class that if they discharged their duty to the people—if they took the same care of their tenants that the manufacturers of the north of England took of their workmen—it would be easier to govern Ireland than it was. They ought to be the last men in the world to throw any obstacle in the way of the Government, and yet they went on complaining, and saying that their duty was to oppose and not to propose. An hon. Baronet the Member for Waterford had said that night, that he (Mr. Reynolds) was very free with the property of others. He confessed that he did not understand the meaning of the phrase. He certainly was anxious to make that hon. Baronet and others do their duty. He had passed through that hon. Baronet's property in the county of Waterford, and he had not seen more squalid and naked misery in any other part of the province of Munster than he witnessed there. He did not say that the hon. Baronet had neglected his duty. But he did say, that the hon. Baronet did not represent the county of Waterford; he represented the city of Waterford after a very hard struggle. He had never ventured to offer himself for the county, and in that respect he had shown his wisdom, because, had he become a candidate for the county, the great probability was that he would have been left in a very small minority.

SIR H. W. BARRON, in reply to the observations of the hon. Member for Dublin respecting his (Sir H. Barron's) property, begged to say, that in twenty-one years he had built seventy-nine slated residences on it; had expended 4,900*l.* in three years on drainage; had built four national schools at his own cost; had established four model farms, one of forty acres, another of sixteen, one being now in operation for seventeen, the other for nine years. One parish in the union of Dungarvan belonged to him altogether, and there was not a single pauper in that parish receiving either indoor or outdoor relief. Since the famine he had given employment to every man on his property, scattered though it was in different parts of the county of Waterford, and even to many others who did not belong to it. He hoped the House would excuse him for making this statement, so personal to himself, in reply to the unfounded remarks of the hon. Member for Dublin.

Mr. STAFFORD explained that what he meant to say was, that it would be better to abandon the sixpenny rate altogether, than by adding it to the general rate, risk both. The hon. Member for Dublin asked what security would be given if the rate in aid were abandoned. His hon. Friend the Member for Kerry had already proposed an income tax as a security, for which the hon. Member for Dublin had voted, as soon as he had escaped the onus of it, by obtaining a lucrative appointment from the Government for a relative of his.

Mr. REYNOLDS was not aware that any relation of his had received a lucrative appointment from the Government. So long as nine months ago, his right hon. Friend the Master of the Mint—his friend of twenty-seven years' standing—had offered him, for his son, the very small appointment of second assistant to the Solicitor to the Mint. He hesitated to accept it, as he thought his son had then much better prospects. After much deliberation, however, he did accept it; but in doing so, he did not consider himself under any obligation whatever to the Government, or to Government influence, or to any other person whomsoever than his right hon. Friend, who had the right to appoint. He was sorry, therefore, that the hon. Member for Northamptonshire should have shown such bad taste as to have given them a rehash of what he understood had been made the subject of a question in the earlier part of the evening by the hon. Member for Londonderry. The object of the allusion he knew very well was to damage him (Mr. Reynolds) in public estimation; but hon. Gentlemen much mistook his character, if they thought that that petty appointment, or any appointment, would induce him to give a vote against his conscience. His son was a gentleman by birth, education, and conduct; and in the latter respect, at least, would bear a comparison with the hon. Member for Londonderry. He could say of him, too, that he never sailed under false colours. He (Mr. Reynolds) could only attribute the hon. Gentleman's ill-natured question, because he (Mr. Reynolds) called him a captain on a former occasion in consequence of his exhibiting the signs of the military profession. In conclusion, he would tell the hon. and gallant Member—for gallant he could not help calling him when he looked at him—that if he meant to give up the military trade, he ought to take down the signboard.

Mr. BATESON would not notice the personal observation of the hon. Member for Dublin, but he asserted his right, as an independent Member of Parliament, to ask a Minister of the Crown whether the newspaper statement was true, that a young gentleman, who was not an English solicitor, and had been but a short time a solicitor in Ireland, had been appointed to a lucrative and responsible situation in Her Majesty's Mint, without being subjected to the sneers or taunts of the hon. Gentleman.

Mr. GROGAN regretted that the discussion should have become so personal. He could not agree with the hon. Member for Dublin that the rate in aid was very popular there.

Question put, "That the word 'in' stand part of the Clause."

The Committee divided:—Ayes 113; Noes 35: Majority 78.

List of the Noes.

Adair, R. A. S.
Alexander N.
Barron, Sir H. W.
Bateson, T.
Bernard, Visct.
Blake, M. J.
Bourke, R. S.
Brooke, Sir A. B.
Castlereagh, Visct.
Clements, hon. C. S.
Crawford, W. S.
Dodd, G.
Ferguson, Sir R. A.
Greene, J.
Grogan, E.
Hamilton, G. A.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, R.
Keogh, W.
Lawless, hon. C.
Lowther, hon. Col.
Macnaghten, Sir E.
Maxwell, hon. J. P.
Nugent, Sir P.
O'Brien, T.
O'Flaherty, A.
Sadleir, J.
Scully, F.
Sidney, Ald.
Stafford, A.
Stuart, J.
Sullivan, M.
Tennent, R. J.
Verner, Sir W.

TELLERS.
Dunne, Col.
Fox, R. M.

On the Question that the Clause stand part of the Bill,

Mr. KEOGH said, he should much regret if the Act were to be met with what was called "passive resistance," but he thought it quite possible to drive a coach and six through it. By this second section the rate in aid was only required to be added to the first rate struck after the passing of the Act. Now, if any board of guardians chose, before the Act passed, to strike a rate sufficient for the whole of the two years, they might get rid altogether of the rate in aid.

Sir G. GREY said, this was so improbable a contingency that it had not been provided for, and the Government was willing to run the risk.

The clause was then agreed to.

On Clause 3,

Mr. S. CRAWFORD moved an Amendment expunging the words, "as the said Commissioners of Her Majesty's Treasury shall think fit," and substituting the words, "as shall be directed by a board appointed as hereinafter provided." This was with a view to moving a clause of which the hon. Gentleman had given notice, vesting the power to dispose of the monies raised by the rate in aid in a national representative board, to be elected from the several boards of guardians in Ireland. The proposal of this clause to give this authority to the Commissioners of the Treasury was most unconstitutional, and one which Englishmen would not have submitted to. He sought, by moving this Amendment, to protect the popular rights. Should it be affirmed, he would then move a clause, giving power to the several boards of guardians to elect, on a day to be fixed, the national representative board. If the board were not so formed, there ought, at least, to be some national board, responsible to Parliament, even if they were appointed by the Government.

Amendment proposed, to leave out the words "as the said Commissioners of Her Majesty's Treasury shall think fit," in order to insert the words, "as shall be directed by a board appointed as hereinafter provided."

The CHANCELLOR of the EXCHEQUER said, the hon. Gentleman had expressed much unnecessary alarm about this clause, the real object of which was to place the money practically at the disposal of the poor-law guardians. The words objected to had, in fact, been copied from the poor-law Acts.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee divided:—Ayes 117; Noes 19: Majority 98.

List of the Noes.

Bateson, T.
Blake, M. J.
Castlereagh, Visct.
Dunne, F. P.
Grattan, H.
Greene, J.
Hildyard, T. B. T.
Keating, R.
Lawless, hon. C.
Lowther, hon. Col.
Maxwell, hon. J. P.
Nugent, Sir P.
O'Connell, J.
O'Flaherty, A.
Rawdon, Col.
Sadleir, J.
Scully, F.
Sullivan, M.
Tennent, R. J.

TELLERS.

Crawford, S.
Brooke, Sir A.

On the Motion that the clause as amended stand part of the Bill,

Mr. GRATTAN moved the omission of the clause. He did not see the use of sending half-starved people out of the country. He advised his hon. Friends opposite to keep the ablebodied at home, in order to fight their battles, rather than send them to America to fight against them.

Sir G. GREY said, that the question was, whether the clause, as amended, should stand part of the Bill, and the hon. Gentleman only objected to a few words of it.

The clause was then agreed to.

The remaining clauses were then agreed to.

Mr. ADAIR proposed the following clause:—

> "And be it enacted, That whenever a rate in aid shall have been levied in any electoral division, or when a sum equivalent to the amount of such rate in aid, if levied separately, shall have been paid out of any balance standing to the credit of such electoral division in the books of the treasurer to the union wherein such electoral division is comprised, it shall be lawful for the occupier primarily liable, being a tenant at will, or leaseholder for a term of years whereof not more than seven shall be unexpired, or for one life, at a rackrent of not more than 20*l.*, to deduct the full sum to which he shall have been rated as a rate in aid, or to make good any deficiency in the balance of the electoral division created as aforesaid, from any rent due, or which may become then next due, from him to his immediate landlord, on production of the receipt of the collector of poor's rates for such payment; provided always, that in any receipt hereafter to be given by any collector of poor's rates, so long as this Act shall remain in force, it shall be stated what proportion of the gross rate, if any, shall have been paid as a rate in aid."

Sir G. GREY hoped that the hon. Gentleman would not press the clause, as it was the same in principle with the clause which had been proposed by the hon. Member for Cork.

Viscount CASTLEREAGH hoped that the clause would not be pressed. He thought that matters of this kind would be better settled between landlords and tenants themselves.

The clause was negatived without a division.

Mr. ADAIR proposed three other clauses, to the effect that no sums should be advanced for the relief of the destitute poor in any union until the commissioners should have certified that the utmost diligence was used in collecting the rates; that the sums so advanced should be deemed a first charge on the property of the electoral division; that whenever a sum in the nature of a rate in aid should have been advanced, it should be lawful for the commissioners to associate with the board of guardians a paid officer as an additional guardian.

These clauses were also negatived without a division.

On the Motion that the preamble be agreed to,

Sir J. YOUNG said, that the name of a gentleman from whom he had received a letter, had often been mentioned in the course of the debates upon this subject, and he did think that the hon. and learned Member for Dundalk had not fairly stated the opinions expressed by Mr. Twisleton, the gentleman to whom he alluded. He should, with the permission of the House, read the following extract from the letter that Mr. Twisleton had written to him:—

> "I shall be much obliged to you, as Chairman of the Irish Poor Law Committee, if you will take some favourable opportunity in the House of Commons to set Mr. M'Cullagh right in regard to his statement, that my 'only hope for the future rested on the revival of the potato crop;' in reference to which hope he proceeds to say, that 'nothing could be more fatal than to teach the people of Ireland to rely on that root;' as if I had been in favour of teaching them some such lesson. This misrepresentation of my evidence could only have arisen from an inaccurate and superficial perusal of parts of my evidence, without reference to the context, and the general drift of the questions and answers. You will probably remember that, so far from teaching the people of Ireland to rely on the potato, I expressed regret and apprehension at the apparent extent to which preparations were made for planting the potato again this year. It is true that I expressed an opinion that there was no hope that the distressed unions in the west of Ireland could go on without extraneous assistance after next harvest, unless the potato came round; but this was always on the supposition that no other measures were adopted in reference to those unions; and you will remember that I more than once stated that those unions did require the adoption of some other measures."

He had marked some passages in the evidence of Mr. Twisleton, which he might, if necessary, read to the House, and which would fully bear out the statement contained in that gentleman's letter. He wished further to add, that it was quite a misapprehension to suppose that Mr. Twisleton had represented the poor-law as having broken down in Ireland; on the contrary, he believed it to have been successful as far as any such measure could be expected to succeed. It did not meet all cases of distress, but it had done much to alleviate destitution.

Mr. M'CULLAGH said, he had not been singular in the interpretation he had placed upon Mr. Twisleton's evidence, but he was perfectly ready to acknowledge that Mr. Twisleton must be the most accurate exponent of what he meant to say on the occasion. He had never had the slightest idea of treating Mr. Twisleton with discourtesy, or of refusing to admit the services he had rendered.

Preamble agreed to.

House resumed.

Bill reported, as amended, to be considered to-morrow.

SUPPLY—PROPERTY OF THE LATE JOHN TURNER.

The House then went into Committee of Supply; Mr. Bernal in the chair.

Lord J. RUSSELL said, that as he had undertaken not to bring on the Naval Estimates after 11, and as it was now past that hour, he would not now proceed with the Naval Estimates, but would merely ask the House to agree to one vote, which it was necessary immediately to agree to.

The CHANCELLOR of the EXCHEQUER said, that the vote he wished to obtain at once from the House arose in this way. Some years ago, a gentleman of the name of Turner died, leaving, apparently, no heirs or representatives; every precaution was taken to ascertain whether any such heirs or representatives were to be found, and none appearing the balance of his property became escheat to the Crown, and was accordingly paid over to the Consolidated Fund in 1842. In 1846, however, a Bill was filed in Chancery, by certain parties claiming to be the next of kin; a writ of inquiry was issued, and the jury deciding in favour of the claimants, the court ordered the money to be paid over to them. It being thus necessary for the Chancellor of the Exchequer to perform the disagreeable office of refunding, the present vote was asked.

The question was then put, that a sum not exceeding 52,173*l.* 2*s.* 11*d.*, be granted to Her Majesty, to replace the escheated property of the late John Turner.

Mr. GOULBURN said, that certain allowances had been granted to some attendants upon the late Mr. Turner, who was a lunatic, for the extreme attention they had paid him. He hoped the case of these persons would be considered.

The CHANCELLOR of the EXCHEQUER said, he was now proceeding under an order of the Court of Chancery, and had no further control over the money.

Certain sums had been paid to the parties referred to before the order was made, and, as the order only applied to the balance of the property, these sums, of course, would not be questioned.

Mr. BROTHERTON said, that some years ago Mr. Samuel Ashton, of Hyde, left 150,000*l.* to be paid over towards liquidating the national debt. Had the Government received this money?

The CHANCELLOR of the EXCHEQUER said, he was not prepared with an answer to the question.

Mr. ROUNDELL PALMER said, the hon. Gentleman need not trouble himself about the money, it was quite safe in Chancery.

Vote agreed to.

Resolution to be reported to-morrow.

House resumed.

SAVINGS BANKS COMMITTEE.

Mr. REYNOLDS said, that he had two changes to make in the names of the Select Committee on Savings Banks, namely, to substitute Mr. Keogh for Mr. H. Herbert, and Mr. F. Mackenzie for Mr. Forbes. As he understood the right hon. Gentleman the Chancellor of the Exchequer had some objections to make to the names, he would, with the permission of the House, reserve what he had to say on the subject until the right hon. Gentleman had stated his objections.

The CHANCELLOR of the EXCHEQUER said, he was sorry to be obliged to take the course of objecting to the Committee proposed by the hon. Member; but he was obliged by his sense of public duty to do so, in order to avoid the consequence which would follow, of disagreeable personal recriminations. He considered that he had made a very fair proposal upon this subject to the hon. Member; but as he found it impossible to come to terms with him, the best way of avoiding all difficulty was, in his (the Chancellor of the Exchequer's) opinion, to reappoint the Committee which had sat last year on the same subject. That Committee had very diligently performed its duties up to the end of the Session, without a single disagreement or division, until the hon. Member for Kerry had dissented from the opinions of the other Members. Therefore, under all circumstances, he thought a fairer Committee could not be named than those hon. Members who had already carried on an inquiry into the subject of savings banks. No report had been made by that Committee, but if it was reappointed, this result might now be looked for. He had been told that this was an Irish question, and therefore ought to be a preponderance of Irish Members on the Committee; but it had been sought to establish a claim, with respect to this subject, on the Consolidated Fund, and that therefore deprived the question of any exclusively Irish character. It was obvious, that if the Committee now proposed should report that the depositors of any one of the savings banks had a claim on the Consolidated Fund, that would establish a similar claim, not only for the whole four banks in question, but for all the savings banks in the kingdom placed under similar circumstances. Now, in England, Scotland, and Wales, whenever loss had occurred to the depositors in savings banks, the loss had been made good by the trustees; and he had not heard of a single exception to that rule until the last discussion on the subject. At all events, he was not aware that any English or Scotch savings banks had made a claim upon the Consolidated Fund; and, as the number of savings banks in England and Scotland greatly exceeded those in Ireland, it became more a question for English and Scotch than Irish Members. He thought that the Committee which he had originally nominated was a perfectly fair Committee, much fairer than that now recommended by the hon. Gentleman.

Mr. H. A. HERBERT thought, in the whole of that transaction, and in his endeavours to get the matter sifted by a Committee of the House, he had reason to complain of the manner in which he had been treated by the Government. Every possible obstacle had been originally thrown in the way of the appointment of that Committee. The hon. Member for Dublin had been appealed to frequently to postpone its nomination. At the end of the Session, however, feeling the necessity of such an inquiry, in order to satisfy persons that justice might be done to them, he had felt it to be his duty to put a notice of a Motion for a supply night on the Paper, and he had announced his determination to divide the House upon it. His right hon. Friend the Chancellor of the Exchequer had, however, asked to appoint the Committee, and he (Mr. Herbert)—in his innocence he admitted—had consented to it. Only three Irish Members, however, had been nominated on a Committee of fifteen, which was to inquire into a question mainly affecting Irish banks. He would appeal to

English and Scotch Members whether that would be considered a fair arrangement with respect to any matter affecting their countries. His right hon. Friend had said at the time that the question was one of general interest. The case was now altered. It was now proposed only to inquire into three Irish savings banks. On the former occasion, however, he thought an unfair advantage had been taken of their forbearance in the nomination of the Committee. He would only say a word about the course which he had taken in that Committee. His right hon. Friend had proposed a short report to the effect that it was the opinion of that Committee that it was desirable that any further inquiry into that subject should take place in the recess or the next Session of Parliament. He had been accused of obstinacy because he had moved the omission of the words "during the recess." But now, when they asked for an inquiry into a matter concerning Irish business, the nomination of the Committee was opposed. The amount of money invested was such as to render it indispensable that some inquiry should take place. Though they were left under the impression that the Government intended to bring in some measure on that subject, no measure had been introduced. When the proposition had been first made for a Committee, it had been met by a direct negative on the part of the Government. His right hon. Friend the Chancellor of the Exchequer said it was proposed to make a claim on the Consolidated Fund. For his part, he thought those who lost by the savings banks' defalcations had as good a claim on the Consolidated Fund as those who had suffered by the Exchequer frauds. But he denied that any hon. Member who voted for that inquiry had made up his mind on the subject of the responsibility of the Consolidated Fund, although he was free to admit that he thought there were good grounds for such a claim.

Mr. R. M. FOX concurred in the Motion before the House, and thought it was a very advisable thing to appoint an Irish lawyer, like the hon. and learned Member for Athlone, on that Committee.

Mr. GOULBURN observed, that this was a most unpleasant discussion. The question at issue was, whether the Committee of last year had discharged their duty fairly, or whether there was any imputation against them. He had not heard that there was any such imputation; and he was inclined to agree, therefore, with the right hon. Gentleman opposite in the reappointment of the Committee of last year.

Mr. KEOGH was prepared to support the hon. Member for Kerry in maintaining that for the consideration of this question another Committee should be appointed. It was said that this was a national question, and, in one sense, it was a national question. The right hon. Gentleman had said, that, when proposing a new Committee, he thought it fair and reasonable there should be six Members from Ireland; and yet he now proposed his Amendment that a Committee should be appointed in which were the names of only three Irish Members. The hon. Member for Dublin proposed a Committee of fifteen, with seven representatives from Ireland. Upon the selection of Committees in the House, the representatives for Ireland were not fairly treated. Nineteen Committees had been appointed this Session. One was on the Scotch marriage question, consisting of fifteen Members, every one of whom was a Scotchman. In the Army and Navy Committee, amongst fifteen Members, there was no Irishman. On the Divorce Bill Committee — divorce being a matter in which some persons said that Irishmen had something to do with the initiative—there was no Irishman. There was no representative for Ireland on the Real and Personal Property Committee. In the Committee on the School of Design, the English Members were fourteen to one Irishman. There was not a single Irishman on the Committee on Fees in Courts of Law. There was one Committee from which Irish Members were excluded, and on which he made no complaint, and that was the Insolvent Members Committee. This showed that Irish Members were carefully passed over; and in the Committee before the House, he said, they were entitled to a larger representation. The right hon. Gentleman the Chancellor of the Exchequer said, that if the Committee reported that the savings banks had a claim upon the national exchequer, it would, therefore, become a national concern. He (Mr. Keogh) thought it an imperial concern, that no portion of Her Majesty's subjects in Ireland should remain under the impression that when they asked for an inquiry it had been denied to them by the House.

Mr. HUME, having been a Member of the Committee last year, must say, that most unpleasant disclosures had taken place, and, for one, he concurred in the resolution that further inquiry was requisite. There ought to be a just proportion of Members for England, Scotland, and Ireland. This was a question of great importance. It affected the whole of the savings banks in the united kingdom; and whatever principle might be adopted in the Committee, ought to be applied to all savings banks. As to the Committee on Scotch marriages, that was as much a local question as the buildings of a bridge at Drogheda. Would the hon. Member for Athlone point out an instance where a Committee had proceeded to an inquiry, had reported progress, and recommended further inquiry; and yet, where a new Committee had been appointed, and the original Committee had not been reappointed to continue the inquiry? To act in that manner would be to cast reflections on the Committee.

SIR H. WILLOUGHBY said, that in 1844 a deputation from all the savings banks in the kingdom met in this metropolis: they did him the honour to make him their chairman; and he happened to know from that circumstance what was their opinion as to the changes of the law in 1844. In spite of all the remonstrances on the part of this deputation, that trustees and managers should not be free from the responsibility which should arise from the consequences of any wilful neglect, those who were in power in this House at the time made the change. Mr. Tidd Pratt was at that time the organ of the Government. At that very time, he knew this bank in Dublin was insolvent, and yet they were left to evade the law. Therefore, if ever there was a case where an impartial Committee should be appointed to inquire into an important question, this was one of those cases. It was a question which went to the security of the whole system of savings banks in the country. He considered the Committee appointed by the hon. Member for Dublin to be a fair Committee.

MR. J. A. SMITH observed that his name had been placed on the Committee nominated by the hon. Member for Dublin, and he would be most happy, if appointed, to give his services; but he protested against the statement that this was an Irish question. The question in reality was, whether the Government was to be held responsible for the deposits in the savings banks before they were paid into the national exchequer; and he maintained that that was a point in which the English people were as much concerned as the Irish. He could not conceive what possible objection there was to the Committee of last year, named by the Chancellor of the Exchequer. The Members of that Committee were, the Chancellor of the Exchequer, Mr. H. Herbert, Mr. Goulburn, Sir J. Graham, Mr. Villiers, Mr. Reynolds, Mr. Herries, Mr. Gibson Craig, Mr. P. Scrope, Sir J. Buller, Mr. Hume, Mr. K. Seymer, Mr. W. Fagan, Mr. J. A. Smith, Mr. S. Adair, and Mr. Bramston. He was sure it was impossible to find Gentlemen that could better discharge the important duties required of them than those whose names he had read.

LORD C. HAMILTON thought, that if those Gentlemen who now crowded the Ministerial benches had but heard the speech of the hon. Member for Kerry when he brought this subject of the savings banks before the House, they would not have shown the impatience which they now displayed, but would have seen the necessity for inquiry into a subject that trenched on the interests of a class which more than any other required their protection. The Committee of last year was not appointed to take into consideration the whole question of the savings banks, but to inquire into, and report on, the laws relating to savings banks in Ireland only; and, therefore, the reference to that Committee was not at all in point. All that was wanted, was a Committee, the Members of which would be able to devote the requisite amount of time to the investigation. He hoped that official and technical objections would not be allowed to stand in the way of such an inquiry.

MR. REYNOLDS rejoiced that he had very little to answer in the shape of objection. The Chancellor of the Exchequer had steered very wide of the real question, which was, whether he (Mr. Reynolds) should enjoy the courtesy usually extended to those who succeeded in getting a Committee appointed. The sole ground of objections to him was, that the report of the Committee on which he had previously sat, was lame and impotent; but it had not been stated that he had sought to have its labours continued, and that the right hon. Gentleman the Chancellor of the Exchequer had himself defeated that object, by interposing Government business on the night when he (Mr. Reynolds) was about to make a Motion on the subject. The right hon. Gentleman now sought to reappoint the Committee of last year—a most immaculate Committee, no doubt; but still one only appointed to inquire generally into the state of the law as affecting savings banks. What he wanted was, a Committee to inquire specially into the affairs of St. Peter's savings bank in Dublin, those of Tralee bank, and of that of Auchterarder, in Scotland. This was an Irish case, and one of no common importance. It was the case of 1,700 pauperised artisans of the city of Dublin who had lodged 50,000*l.* in the savings bank on the faith of England's honour. The Committee of last year contained twelve English and three Irish names, and what he proposed was, eight English and seven Irish names. He was surprised that the right hon. Gentleman should object to his Committee, and wished to know the reason. He appealed to the House of Commons to see justice done to his poor countrymen, and, he might add, countrywomen. It was a question which interested the people of England and Scotland as well as the people of Ireland. They were all under the impression that they had national security for their money. National security! National moonshine. They had the security of the managers, over whom there was no control, and whom Mr. Tidd Pratt by his Act released from all responsibility. He believed that the poor people might be reimbursed without any loss to the nation, as there was a surplus of about 300,000*l.* to the credit of the general savings bank account. The right hon. Gentleman surely could not be serious, or entertain the notion of dividing the House upon the question. If such a Committee were forced upon him (Mr. Reynolds), the inference that would be drawn by the Irish people, from the Giants' Causeway to Cape Clear, would be, that the House of Commons refused to nominate an impartial jury to try the cause between those unfortunate people and the Government.

The CHANCELLOR OF THE EXCHEQUER denied that he had any desire to refuse an impartial inquiry into the circumstances connected with these savings banks. Referring to the list of names constituting the Committee of last year, he defied any man to say that it was possible to put fifteen gentlemen on a Committee of higher character than those who were on that list. What he proposed to do was this: he would assent to the appointment of the first four names on the hon. Gentleman's list, because they were Members of the Committee of last year; but when they came to the fifth name, that of Mr. Napier, he should divide the House against the nomination of that Gentleman, solely on the ground that he was not a Member of the Committee of last year. Should the House support his proposition, he did not then intend to proceed further with the nomination of the Committee, but would defer the consideration of it to a future day, that he might in the mean time determine what changes might be made in the names of the Members that should constitute it.

Mr. Reynolds, the Chancellor of the Exchequer, Mr. Henry Herbert, Mr. Goulburn, nominated Members of the Committee.

On the name of Mr. Napier being proposed,

The CHANCELLOR OF THE EXCHEQUER objected.

Motion made and Question put, "That Mr. Napier be one other Member of the said Committee."

The House divided:—Ayes 74, Noes 111: Majority 37.

List of the AYES.

Archdall, Capt. M.
Bateson, T.
Blackall, S. W.
Blake, M. J.
Bourke, R. S.
Bremridge, R.
Brooke, Sir A. B.
Butler, P. S.
Carew, W. H. P.
Caulfeild, J. M.
Chichester, Lord J. L.
Christy, S.
Cocks, T. S.
Cole, hon. H. A.
Coles, H. B.
Conolly, T.
Cowan, C.
Crawford, W. S.
Devereux, J. T.
Dunne, F. P.
Edwards, H.
Fagan, W.
Farrer, J.
Fellowes, E.
Floyer, J.
Fox, R. M.
Grattan, H.
Greene, J.
Grogan, E.
Gwyn, H.
Hamilton, G. A.
Hamilton, Lord C.
Heald, J.
Henley, J. W.
Hildyard, T. B. T.
Hodgson, W. N.
Hood, Sir A.
Jolliffe, Sir W. G. H.
Keating, R.
Keogh, W.
Kershaw, J.
Macnaghten, Sir E.
Maxwell, hon. J. P.
Monsell, W.
Mullings, J. R.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Connell, J.
O'Flaherty, A.
Pearson, C.
Pechell, Capt.
Pilkington, J.
Rawdon, Col.
Renton, J. C.
Sadleir, J.
Scully, F.
Sheridan, R. B.
Smyth, J. G.
Somerset, Capt.
Spooner, R.
Stafford, A.
Sullivan, M.
Taylor, T. E.
Tenison, E. K.
Tennent, R. J.
Thompson, Col.
Urquhart, D.
Verner, Sir W.
Wawn, J. T.
Williams, J.
Willoughby, Sir H.
Wodehouse, E.
Worcester, Marq. of

TELLERS.
Reynolds, J.
Herbert, H.

List of the Noes.

Anson, hon. Col.
Armstrong, R. B.
Arundel and Surrey, Earl of
Baines, M. T.
Baring, H. B.
Baring, rt.hon. Sir F. T.
Barrington, Visct.
Bass, M. T.
Bellew, R. M.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Birch, Sir T. B.
Boyle, hon. Col.
Brand, T.
Brockman, E. D.
Brotherton, J.
Brown, W.
Bruce, Lord E.
Bunbury, E. H.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Childers, J. W.
Clerk, rt. hon. Sir G.
Cobden, R.
Coke, hon. E. K.
Cowper, hon. W. F.
Craig, W. G.
Crowder, R. B.
Douglas, Sir C. E.
Duncan, G.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Evans, W.
Foley, J. H. H.
Forster, M.
Fortescue, hon. J. W.
Freestun, Col.
Gibson, rt. hon. T. M.
Glyn, G. C.
Goulburn, rt. hon. H.
Grey, rt. hon. Sir G.
Grey, R. W.
Hardcastle, J. A.
Hawes, B.
Heathcoat, J.
Herbert, rt. hon. S.
Heywood, J.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Howard, Lord E.
Howard, hon. C. W. G.
Hume, J.
Jervis, Sir J.
Keppel, hon. G. T.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Lewis, G. C.
Littleton, hon. E. R.
Mackinnon, W. A.
Maitland, T.
Mangles, R. D.
Marshall, W.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Milner, W. M. E.
Mitchell, T. A.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Price, Sir R.
Ricardo, O.
Rich, H.
Romilly, Sir J.
Russell, hon. E. S.
Rutherfurd, A.
Seymour, Lord
Simeon, J.
Smith, J. A.
Smith, J. B.
Somers, J. P.
Somerville, rt. hon. Sir W.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Talbot, C. R. M.
Thicknesse, R. A.
Thornely, T.
Tollemache, hon. F. J.
Vane, Lord H.
Watkins, Col. L.
Wellesley, Lord C.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Young, Sir J.

TELLERS.
Hill, Lord M.
Tufnell, H.

Further proceedings adjourned till Monday next.

SMITHFIELD MARKET COMMITTEE.

Mr. MACKINNON moved that Mr. W. Miles be discharged from further attendance on the Select Committee on Smithfield Market, and that Mr. Ormsby Gore be added to the Committee.

Mr. PEARSON moved as an Amendment, that Sir De Lacy Evans be substituted for Mr. Miles. He objected to Mr. Gore, as a person whose opinions on the question were strongly marked. Besides, he thought that it was of importance to have on the Committee a representative of one of the constituencies subject to the inconvenience complained of. The hon. Member also took occasion to say he was prepared to prove that the corporation had a pecuniary interest in the removal, rather than in the continuance, of Smithfield market, the tolls which they derived from it being less than the interest of the money which they had paid for the land, and much less than the ground-rents which they would receive if the space were employed in the manner it would be if the market were removed.

Mr. SPEAKER put the question, that Mr. W. Miles be discharged from further attendance on the Committee, which was unanimously carried.

On the next question, as to whether the name of Mr. O. Gore or Sir D. L. Evans should be substituted in place of Mr. Miles,

Viscount BARRINGTON said, that in his opinion there was great impropriety in suffering the nomination of Committees to be in the hands of individual Members; and he submitted to the House, whether it would be advisable to appoint a Committee to nominate Members of public Committees, in the same way as was done with regard to private Bills?

Sir E. FILMER had no personal objection to Sir De Lacy Evans, but the fact was that Mr. Gore, who was Chairman of the former Committee, had been left out of the existing Committee by a mere mistake, and on that account he thought it would be unfair to reject him now.

Mr. MACKINNON explained that he had left out Mr. Gore's name under the erroneous impression that he did not wish to serve.

Mr. PEARSON said he would not divide.

Motion made, and Question proposed, "That Mr. Ormsby Gore be added to the Committee."

Amendment proposed, to leave out the name of "Mr. Ormsby Gore," and to insert the name of "Sir De Lacy Evans," instead thereof.

Question, "That the name of 'Mr. Ormsby Gore' stand part of the Question, put, and agreed to. Mr. Ormsby Gore added to the Committee.

The House adjourned at half-after One o'clock.

HOUSE OF COMMONS,

Saturday, April 28, 1849.

Minutes.] Public Bills.—*Reported.*—Exchequer Bills (17,786,700*l.*)

Petitions Presented. By Mr. Duncan, from the Free Synod of Angus and Mearns, for the Clergy Relief Bill, and against the Sunday Travelling on Railways Bill.—By Mr. Fuller, from the Eastbourne Union, Sussex, for Exempting Counties from the Expense of Constructing Gaols.

POOR LAWS (IRELAND)—RATE IN AID BILL.

On the Motion of Lord J. RUSSELL, this Bill as amended was considered. The report was brought up, and it was ordered that the Bill as amended be printed, and to be read a third time on Monday.

INCUMBERED ESTATES (IRELAND) BILL.

Sir L. O'BRIEN wished to know whether there would be any objection on the part of the Government to furnish to the House the names of the Gentlemen who were to be appointed commissioners to carry into effect the provisions of this measure? His own vote on the second reading would be very materially influenced by a knowledge of who the gentlemen were who were to be entrusted with the duties of so important a character.

Lord J. RUSSELL did not think it would be advisable to insert the names of the commissioners in the Bill. He was not prepared just at that moment to give an explicit reply to the question of the hon. Member, but he was quite ready to admit that it was desirable that the greatest possible care should be taken in the selection of the gentlemen who were to act as commissioners. Who those gentlemen were to be he had not yet determined; he had not bestowed a thought upon the matter; but whether their names were to be inserted in the Bill, or the Government were to be entrusted with the power of nominating them hereafter, in either case care ought to be taken to select gentlemen who were conversant with the subject, and who would not be afraid to grapple with it; gentlemen, moreover, who would take care not to violate those rights which the owners of property justly thought they were entitled to claim.

The House adjourned at half-after Twelve o'clock.

HOUSE OF LORDS,

Monday, April 30, 1849.

Minutes.] *Took the Oaths.*—The Earl of Seafield.

Sat first.—The Earl of Buckinghamshire, after the Death of his Brother.

Public Bills.—2^{a} Highways; Turnpike Trusts Union.

Petitions Presented. From Chelmsford, for the Repeal of all Enactments occasioning Unequal Competition between the English and Foreign Grower.—By the Earl of Eglinton, from Bath, that Measures may be taken to secure the Use of all Railways on Sundays to the Public.—From Wolverhampton, and a great Number of other Places, for the Suppression of Seduction and Prostitution.—From the Royal Burghs of Scotland, for a Repeal of the Game Laws.—By Lord Stanley, from Liverpool, Wisbech, Gainsborough, and other Places, against the Repeal of the Navigation Laws.—From Leeds, against granting any New Licenses to Beer Shops.—From Stirling and Edinburgh, for an Alteration of the Registering Births, &c. (Scotland) Bill.—From Bath, Kilbrogan, and Bandon, for an Alteration in the Distribution of Grants for Education (Ireland).—From the Cape of Good Hope, against the Introduction into the Colony of any Offenders, of whatsoever Denomination.—From Kirkwall, in favour of referring all International Differences to Arbitration by Neutral Powers; also for a thorough Reformation of Parochial Schools (Scotland).

WORKS OF ART IN ITALY.

Lord BROUGHAM observed, that as his noble Friend the President of the Council was then in his place, he would endeavour to renew a conversation which had taken place last week, and which he was happy to say had already been attended with some usefulness, on the subject of the pillage now in course of perpetration upon the great repositories of art in Italy. He was induced to speak on that subject last week in consequence of certain reports which were then bruited abroad, but which had turned out to be great exaggerations, respecting the removal from Italy of certain immortal remains of the chisel, and the larger paintings of the great masters, and which were rather more difficult to transport to foreign countries than the "lesser" works of art to which he had then alluded. It had since been promulgated, for the purpose, he believed, of preparing a market for the plunder, that the Minister of Finance, the Controller General of the Exchequer, under what had been called very incorrectly the *de facto* Government of Rome, had departed from that capital, having in his possession to dispose of in Paris or London, or elsewhere, or to pledge as security for a loan, those inestimable works of ancient and modern art, the cameos of the Vatican, and also the medals and coins of the Vatican, which were beyond all price, because they were unique, and the manuscripts of the Vatican, which had not yet been sufficiently explored, and which one could wish to be explored in the possession of their rightful owners, and not for the encouragement of robbery and pillage for the base lucre of gain. When he saw surreptitious practices like these imputed—but he hoped falsely imputed—to the Minister of Finance at Rome, he could not help reminding their Lordships of an anecdote connected with the name of Voltaire. Voltaire, D'Alembert, and some other wits of the day were sitting round the fire one December evening at the chateau of Madame Du Chatelet, amusing themselves with telling stories of celebrated robbers, and one told one story beginning thus—"Once upon a time there lived a great robber at Nantes," and so on; and then another proceeded—"Once upon a time there lived another great robber at Lyons," and so on. At last the story came round to Voltaire, and he began—"One upon a time there lived a general controller of finance," and then he stopped, and, resuming after a pause, said—"Pardon me, gentlemen, I have forgotten the rest." *Jadis vivait un comptrolleur-general de finance—parole d'honneur joublié le reste.* He wished that that illustrious wit, philosopher, and historian had lived to see the remarkable light thrown upon his story by the Controller General of Finance at Rome, M. Manzoni. He could not help trusting that the public notice which he had taken, and which had been subsequently given to the world, of the fact that the medals, coins, and manuscripts belonging to the State of Rome had become the object of pillage, would have the effect of putting all the purchasers, and all the intended purchasers of them upon their guard. No love of the fine arts was a sufficient justification for men laying out their money in the purchase of works of art the produce of public robbery; for they must know that by so doing they became nothing else than purchasers of stolen goods.

A Noble LORD said, Lord Brougham had imputed to M. Manzoni the deeds really perpetrated by M. Mazzini.

Lord BROUGHAM, in reply, believed that he was quite correct in imputing this robbery to M. Manzoni. He was not, however, inclined to say one word in extenuation of the conduct of M. Mazzini, who was at the head of the assassination department at Rome. ["Hear!"] Yes, he was at the head of the police there, and had not prevented the murder, or seized the murderers, of his dear and learned friend M. Rossi. M. Manzoni was, it was said, at the head of the robbery department.

Lord BEAUMONT declared that Lord Brougham was perfectly correct in applying his remarks to M. Manzoni; but he begged leave to inform their Lordships that there were now two individuals in Italy of the name of Mazzini. The one was Minister of Police at Rome, the other was the great poet, who was now reposing in quiet at Milan, if indeed any man of spirit and intellect could repose in quiet under the iron despotism of Austria. The Mazzini who was now Minister of Police at Rome was not at Rome, but at Leghorn, at the time of the murder of M. Rossi.

Lord BROUGHAM repeated that M. Mazzini and his Government had refused to detect, perhaps because they had instigated, the assassins of M. Rossi.

IRISH DISTRESS.

Lord WHARNCLIFFE then rose, in pursuance of his notice, to move for—

> "Copies or extracts of any further correspondence that might have taken place between Her Majesty's Government and the Government of Ireland, or between Her Majesty's Treasury and the Poor Law Commissioners in Ireland, relative to the steps taken, or to be taken, for the relief of destitution in certain parts of the country since the last papers were presented to Parliament on this subject, at the commencement of the present Session."

His Lordship said, that he stood before the House unconnected with Ireland either by birth, or property, or official connexion; yet, although he was thus unconnected with that country, he ventured to think that he could be justified in the opinion of their Lordships in calling their attention to the present condition of the greater portion of Ireland, and in demanding from the Government the papers included in his notice. He had been forcibly struck by the melancholy accounts which had recently reached this country from Ireland, and which had been made public in the usual channels of information. [His Lordship then read various descriptions, which he had collected from various quarters, of the condition of the union of Skibbereen; from which it appeared, that no rates could be collected in that union, that its credit was gone, and that the people were dying daily within it. His Lordship next read a similar account from the union of Westport.] Now, such being the case, he thought that their Lordships were entitled to have an official account of these appalling disasters; for, if true, they were sufficient to account for the causes which now weighed down the industrial energies of Ireland. [His Lordship then took a review of the last set of papers on the distress of Ireland which had been laid before their Lordships, and showed from them, that the condition of the unions of Ballina, Clifden, and seven other places, which he enumerated, was quite as calamitous as that of Skibbereen.] In February last, the recommendation of the Poor Law Commissioners was, that 12,000*l.* must be advanced to those unions to relieve the distress which existed within them, and to avert starvation from the people. The Government now proposed to advance 50,000*l.* for the relief of Irish distress; and yet a fourth of that sum had been expended in one month for the relief of distress in the nine unions alone which he had mentioned. Under these circumstances, it was impossible not to feel anxiety, both with regard to the expenditure of that sum, and to its efficiency as well as sufficiency for the purpose to which it was to be applied. It was impossible, in his opinion, to contemplate a more fearful state of things than that which was contained in the papers which he had read to their Lordships. Those papers disclosed an extent of destitution which had never before existed in any country on the face of the globe. It was, therefore, important for their Lordships to consider, not only the amount of relief to be advanced, but also the manner in which that amount was to be administered. He felt impelled to call on Government for the information described in his notice in consequence of the decision which had recently been come to in another place on the proposition of a rate in aid. He believed that there was no intention on the part of Her Majesty's Ministers to oppose his Motion, and he, therefore, should not intrude further upon the attention of their Lordships.

The Marquess of LANSDOWNE observed, that the noble Baron had correctly anticipated that there would be no objection to his Motion on the part of Her Majesty's Government. For his own part, he was much obliged to the noble Baron for having moved for this correspondence; because the present was the particular time in which every species of information would be valuable to their Lordships, as their Lordships would soon be called upon to pronounce on more than one measure which would be presented to them for the relief of Ireland. He wished that it were in his power in any way to contradict the allegations upon which the noble Baron founded his Motion. So far was he from thinking that those allegations were exaggerated, he was afraid they afforded too true a picture of the state of Ireland. He must, however, warn the noble Baron not to place implicit credit on all the local accounts which he received from Ireland; for many of them were utterly unfounded, and others were much exaggerated. The calamities over which the noble Baron so eloquently mourned were not yet at an end, in consequence of the renewed failure of the potato crop, on which so large a portion of the Irish population depended for existence. There was, therefore, no reason to be surprised that the pressure upon the energies of Ireland, which was great enough before, was now severely aggravated. It was right that their Lordships and the people of England should be made acquainted with the full magnitude of the evil. It had been the duty of Her Majesty's Government to prepare measures for its removal—measures which would also tend to the future improvement of the moral and social condition of Ireland.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Monday, April 30, 1849.

Minutes.] Public Bills.—3° Poor Laws (Ireland) Rate in Aid.

Petitions Presented. By Sir R. H. Inglis, from the University of Oxford, and other Places, against the Parliamentary Oaths Bill.—By Mr. Hume, from Inhabitants of the Metropolis and its Vicinity, for the Adoption of Universal Suffrage.—By Mr. Kershaw, from Dublin, and by other hon. Members, for the Clergy Relief Bill.—By Mr. Alexander Hope, from Ballygawley, Diocese of Armagh, and other Places, against, and by Mr. Stuart Wortley, from several Places in Kent, in favour of, the Marriages Bill.—By Mr. Alexander Matheson, from Inverness, against the Marriage (Scotland) Bill.—By Sir R. H. Inglis, from Middleton, and other Places in Lancashire, against Endowment of the Roman Catholic Clergy.—By Mr. Cowan, from Inhabitants of Blairgowrie, County of Perth, and from other Places, against the Sunday Travelling on Railways Bill.—By Mr. Sharman Crawford, from Ratepayers of the several Townships forming the Rochdale Union, Lancashire, respecting the Lancashire County Expenditure.—By Mr. Thomas Greene, from the Lancaster Poor Law Union, for the County Rates and Expenditure Bill.—By Mr. Fuller, from the Rye Union, Counties of Sussex and Kent, for Exempting Counties from the Expense of Constructing Gaols.—By Mr. Beckett Denison, from the Wakefield Farmers' Club, for Repeal of the Duty on Malt.—By Mr. Pole Carew, from Liskeard, and by Mr. Beckett Denison, from Garforth, Yorkshire, for Agricultural Relief.—By Sir R. H. Inglis, from Heywood, Lancashire, and other Places, for Encouragement to Schools in Connexion with the Church Education Society for Ireland.—By Mr. Milner Gibson, from Manchester, for a Secular Education.—By Mr. Fox Maule, from Perth, against the Lunatics (Scotland) Bill.—By Mr. Robert Palmer, from the Cookham Union, for the Suppression of Mendicancy.—By Captain Jones, from Lissan, County of Londonderry, against the proposed Rate in Aid.—By Mr. Rufford, from the Worcester Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Parker, from Sheffield, for the Adoption of Measures for the Punishment of the Promoters of Promiscuous Intercourse.—By Mr. Alexander Matheson, from Inverness, and by other hon. Members, against the Registering Births, &c. (Scotland) Bill.—By Mr. Beckett, from Leeds, for an Alteration of the Sale of Beer Act.—By Mr. Grey, from Tynemouth, for the Suppression of the Slave Trade.—By Mr. J. W. Fortescue, from Barnstaple, for an Alteration of the Small Debts Act.—By Lord George Paget, from Holyhead, and by other hon. Members, for referring International Disputes to Arbitration.

AUDIT OF RAILWAY ACCOUNTS.

Mr. WYLD begged to ask the right hon. the President of the Board of Trade, whether it was the intention of the Government to introduce any measure to provide for a more effectual audit of railway accounts? In connexion with this subject he might direct the right hon. Gentleman's attention to a report lately printed relative to an investigation instituted by the Eastern Counties Railway Company. In that case auditors were appointed under the Act of Parliament, which directed that the accounts should be placed in the hands of the auditors at least fourteen days before the meeting at which they were presented; but the accounts were not submitted to the auditors until the very last day, and, consequently, they were unable to give them a thorough examination. He considered that some change in the law was absolutely necessary.

Mr. LABOUCHERE said, that in the course of the last Session a Bill came down to that House from the House of Lords for establishing an improved system of auditing railway accounts. He then expressed his opinion that it was most desirable that a more efficient audit of railway accounts should be provided, and he voted for the second reading of the Bill. Unfortunately, however, the House took a different view of the measure, and threw it out by a considerable majority. He had reason to believe that the subject had undergone most careful consideration in a Committee of the House of Lords. He expected that a measure would very speedily emanate from that Committee; but, if he were disappointed in that expectation, he should feel it his duty, on the part of the Government, to submit a measure to the House.

POOR LAWS (IRELAND) RATE IN AID BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

Captain JONES moved, as an Amendment, that the Bill be read a third time that day six months. He thought the House must be of opinion, after the debates which had taken place on this Bill, that it was not one likely to prove effectual as a measure for affording relief in the destitute districts in Ireland. He reiterated his opinion that any attempt to collect the rate in aid would seriously interfere with the operation of the Irish poor-law.

Sir J. B. WALSH, in seconding the Amendment, said that the present measure was pernicious in its tendency, and would prove most inefficient in its provisions. The inevitable result of it would be to alienate the affections of the most loyal portion of Her Majesty's subjects. They knew that disaffection was unhappily very prevalent in Ireland, and the Government had but recently been compelled to take extraordinary measures for the purpose of preventing that disaffection taking the shape of rebellion in that country. It appeared that the people of Ireland were now forced to adopt a measure which was revolting to the feelings, the just feelings, of the most loyal portion of that kingdom. The effect of it would be to strengthen considerably the argument in favour of repeal. This measure was pressed upon them against the conviction and the most strenuous opposition of almost the whole of the Irish representatives. It was passed in utter ignorance of the circumstances of Ireland, and with the erroneous idea that England would derive a benefit by throwing upon the Irish the duty of maintaining their own poor. They were treating this as a provincial question, and were withdrawing, as it were, from Ireland the privilege to which she was entitled—that of being one of the component parts of the united kingdom. Notwithstanding the evidence of the lamentable distress in some of the unions in the west of Ireland, he had considerable doubts as to the urgent necessity of such a measure as this, which alleged urgent necessity, indeed, was the only argument by which Ministers met the opposition to this Bill. They were now about giving outdoor relief, without accompanying it with any practical test whatever of the destitution of the particular districts. They were thus opening the door to every species of abuse, fraud, and imposture, against which they would have no adequate protection. Even in this country, where the poor-law worked under more favourable circumstances, they found how inadequate, after all, their machinery was to check it. In

Ireland, however, they had thrown down all those barriers which they had erected in England, and placed no check whatever to these abuses in the distressed unions. It appeared, by official returns, that in Clare there were 70,000 persons receiving outdoor relief, while in Donegal there were only 2,000 in a similar position. That fact proved that the measure before the House would operate unequally, and, therefore, unfairly. The leading objections to the Bill had, on so many occasions, been so well pressed upon the consideration of the House by the Irish representatives, that he would not further dwell upon them. But it was impossible they could blind their eyes to the fact that there was at present a great crisis in the affairs of Ireland—that that country was passing through a revolution of great magnitude and importance. It was proposed that the crisis in question should be dealt with by exceptional means, but he was opposed to that principle. He believed that they would only be able to weather the difficulty they had to contend with by upholding the rights of property, and the supremacy of the law as it present existed. Measures which tended to produce violent changes, such as the confiscation of property or vested interests in property, would, in his opinion, only render more lasting the evils which were intended to be removed.

Amendment proposed, to leave out the word "now," and at the end of the question to add the words "upon this day six months."

Viscount CASTLEREAGH regretted that he was not in time to move the Amendment which had been proposed by his hon. and gallant Friend the Member for Londonderry. He hoped, however, that the House would bear with him whilst he made a few remarks in reference to the measure, and referred to some official returns containing matter which bore upon the question. In the first place, let him be allowed to state that there was no disinclination—that there never had been any disinclination—on the part of those Irish Members with whom he generally acted to submit themselves to any altered system of taxation that might be required by the circumstances of the country. But they certainly did think it unfair that after having expressed their disapprobation of the measure—after the great debate that had taken place upon it—the consideration which it had undergone, and the jockeyship that had been resorted to in order to carry it—the Government should come down and offer them the alternative of an income tax; and that only three or four days should be allowed them to consider the proposition. The Irish Members had no finance committee, the result of whose labours might perhaps be a guide to them in coming to a decision upon the question; but he had before him a few statistical details which he would venture to bring under the notice of the House, with the view of showing that Ireland, as compared with England, was over-taxed. But before going into them, let him just ask why, if the Government had been in earnest with regard to an income tax for Ireland, they did not support the proposition of the hon. Member for Kerry? He did not believe that they were ever in earnest on the subject, or that they were entitled to thanks for their merciful consideration in not extending the tax to Ireland. His belief was, they were quite aware that an income tax and assessed taxes would not be worth collecting in Ireland; and therefore it was that those taxes were not imposed. He would now refer to the returns he had mentioned, from which it appeared that the rateable property in England was 108,000,000*l.*; that the average poor-rates, church rates, and highway rates, amounted to 10,000,000*l.* at 2*s.* in the pound, to which he added 7*d.* in the pound for income tax, and 5*d.* for assessed taxes, making a total of 3*s.* in the pound. According to the return of 1842, the rateable property in Ireland was valued at 13,187,420*l.*, which, after deducting one-fourth for depreciation, in accordance with Mr. Griffiths' statement, left 9,890,565*l.* The local taxation of Ireland consisted, of poor-rates expended (1848), 1,855,841*l.*, county-cess (annual average), 1,142,302*l.*, repayment of relief advances for ten years, 272,821*l.*, and repayment of advances (Burgoyne's Commission), 953,355*l.*, making a total of 4,224,319*l.*; or a tax of 8*s.* 4*d.* in the pound on the present depreciated rackrent value, or a tax of 6*s.* 2*d.* in the pound on the poor-law valuation of 1842 and 1843. The gross income of England, according to the Chancellor of the Exchequer, was 250,000,000*l.*, and of Ireland 18,000,000*l.* or 20,000,000*l.* The latter was, therefore, less than 1-12th that of England. The net revenue of Ireland, on an average of ten years to 1844, was 4,164,264*l.*, and the gross revenue of Great Britain and Ireland, 52,000,000*l.* Consequently, Ireland was paying her full proportion, without taking into account the customs and excise duties paid in England for articles purchased there for consumption in Ireland. He would next refer to a return showing the liabilities of five counties in Ireland, supposing the maximum limit of poor-rate to be fixed at 7*s.* 6*d.* in the pound, by which it appeared that the liability of Clare for repayment of relief works, county cess, poor-rate and relief advances (Burgoyne's), would be 14*s.* 8¾*d.* in the pound on the poor valuation of 1842 and 1843, or 18*s.* 4¾*d.* on the present depreciated value; for Mayo, 13*s.* 11¼*d.* in the first instance, or 17*s.* 4¾*d.* in the latter; for Kerry, 13*s.* 3*d.* or 16*s.* 6¾*d.*; for Galway, 12*s.* 5*d.* or 15*s.* 6¼*d.*; and for Limerick, 12*s.* 0¼*d.* or 15*s.* 0¼*d.* He believed that it could be proved that Ireland now paid more than war taxes. There had been taxes remitted, in Great Britain, from 1814 to 1846, to the amount of 51,236,420*l.*, and in Ireland to the amount only of 2,903,995*l.*; so that out of the total taxation remitted, 54,140,415*l.*, Ireland had had remitted not quite 3,000,000*l.* He had therefore shown that Ireland bore a very fair proportion, if not a greater proportion of taxation than she ought. Ireland was constantly held out as a burden on this country, and as a drag on her resources; and the advantage which Ireland had proved to this country in years past, and the circumstance that Ireland was forced by England into connexion with her, seemed to be lost sight of. From 1800 to 1847, there had been remitted from the British Exchequer to the Irish 7,995,640*l.*, while there had been remitted from the Irish to the British Exchequer during the same period, 27,339,813*l.* Whatever might be the operation of the corn law in England, there could be no doubt but that Ireland had been a sufferer to a very great degree. Experience had shown that in the north and the east, the change to the farmers had been one of the most fearful description. The agricultural population of England was 22 per cent—in Ireland it was 64 per cent. The manufacturing population of Ireland was 18 per cent, in England it was 46 per cent. Therefore, Ireland lost three times as much as England from the repeal of the corn laws, while England gained two-and-a-half times more. He would not take a retrospective view on that subject, but would content himself with saying that the condition of Ireland ought to have been well studied before so decided a change was made. Ireland by that change had received a blow from which it would be long before she could recover. Wholly independent of those objections, he was at a loss to know what a rate in aid meant. If it were in aid of taxation, taxation had already reached its maximum in Ireland—if in aid of charity, its only effect would be to dry up those founts of charity which heretofore had been ever open there. The only operation of the Bill would be to break down the poor-law. The worst of the matter was, that they held out no hope for the future. If the Irish people saw their way out of their difficulties, they might consent to the increased taxation. But independently of his objection to increased taxation, he objected to this particular tax. It was a farce to call it a national rate in aid; it was admitted that it would fall upon certain portions of the country ill able to pay it, and it was to be laid upon them regardless of the consequences, in checking industry and damping the efforts now making; in short, it was killing the goose for the golden eggs. It was known that the union rate in aid—the 7*s.*—would be required in forty-six unions and 282 electoral divisions; the national rate in aid—the 7*s.* 6*d.*—in twenty-eight unions and 157 electoral divisions, upon the average expenditure of 1848. Then, again, the unequal valuation must not be forgotten. The town of Belfast, for instance, was valued in the poor-law valuation at 20*s.* 8*d.* in the pound above the ordnance, or townland valuation, while Roscommon was 2*s.* 8*d.* below it: so that Belfast was valued at 23*s.* 4*d.* in the pound above Roscommon; so Newtonards was 13*s.* 6*d.* above Roscommon. With reference to the probable disposition of the funds, it was right to observe that in the year ending last Michaelmas grants had been made of 36,000*l.*, 29,000*l.*, 23,000*l.*, and so on, in unions where the rates were but 7*s.* 7*d.*, 6*s.* 8*d.*, 6*s.*, and the like; and in unions where the rates were 14*s.*, 12*s.* 7*d.*, 11*s.*, no grant had been made. The law could never be enforced without a new valuation, which must lead to considerable expense. He had also a strong objection to the power given to the Treasury of disposing of the funds to be raised under the Bill. Neither the rate in aid or the proposed alterations in the poor-law had been recommended by the Committees of either that or the other House of Parliament; they rested entirely upon the responsibility of the Government, and they were against the whole tenor of the evidence taken before both. That was one reason why the Government ought to pause before sending the Bill up to the other House; but, at all events, when it went up there, he trusted that House would give weight to the evidence their Committee had reported to them. He knew not where the Irish Members had been during these debates—certainly many of them had not been attending to their duty in that House; but he would ask English and Scotch as well as Irish Members, were they disposed to act, in this case, upon strict economical principles? If they pressed for immediate payment of the advances already made to Ireland, they could not obtain it; they would ask for the pound of flesh where there was none. They would attempt to draw water from a spring already dried up by their legislation. If they laid burdens upon the capital of Ireland which it could not bear, they would do away with all chance of receiving repayment of their advances, and upon themselves would rest the responsibility. But besides this, he would ask were there no political events which rendered the course they were taking exceedingly undesirable? He was unwilling to talk to a British House of Commons in the language of menace; but when all other appeals had failed, he felt compelled to ask them to look at the position of Europe at the present moment. Had the storm which had struck down many thrones and shaken dynasties yet wholly passed away—was there no lightning on the horizon—were no low peals of thunder heard—had the electric clouds of the last year passed away—had the sun yet begun to shine with its accustomed splendour and brightness—were the relations of England with foreign countries in so satisfactory a state that the House should have no apprehensions of the course they were about to pursue? Were the colonies in a contented and happy state—were they faithful and satisfied? Was Jamaica firm in her allegiance—was Guiana the staunch friend of the mother country—was Canada the strong right hand of England, to assist her in the western hemisphere? If so, they might enforce what laws they pleased; but if not so—if doubt hung over the foreign relations of the country, and difficulties existed in their colonial policy—he asked them to reflect in what position they would be when their forces were employed in enforcing the levy of an unjust tax upon an unwilling people. Might not the time arrive when, on looking to Ireland for her accustomed, grateful, and constant attachment in difficulty and danger—Ireland, whose blood had been poured out in Portugal and in Spain, in Africa and in China, and, more lately still, on the banks of the Hydaspes—they might meet with no response? Let them pause before they entirely ruined her future prospects. Let them pause and reflect, in order that that attachment—that friendship and devotion hitherto shown—might not wither away and be destroyed by the baneful ruin of an increased taxation on an overburdened and wretched people.

Lord J. RUSSELL did not rise to renew the argument which he had already frequently urged upon the House with regard to the rate in aid; but, in consequence of the distressing accounts received from Ireland, it was necessary for him to advert to an answer which he gave a few days ago to a question put by the hon. Member for Montrose, whom he regretted not to see in his place, especially as he understood the hon. Member was absent by reason of indisposition. In answer to that hon. Member, he (Lord J. Russell) stated that it would be his duty, during the time that this Bill might be expected to be under consideration in that and the other House, to advance from the Civil Contingencies Fund such sums as were absolutely necessary to maintain the people who had been hitherto supported out of the grant of 50,000*l.* That sum of 50,000*l.* was now entirely exhausted; the last remaining portion was sent from the Treasury last week; and the accounts last received from the Poor Law Commissioners in Ireland were of a still more distressing nature, and proved that the destitution was increasing. He had stated in answer to a question of the hon. Member for Montrose, that he did not conceive that above 6,000*l.* would be necessary to be issued from the Civil Contingencies Fund for the purpose to which he had referred; but with these accounts before him, and considering that if the House agreed to the third reading of the Bill that night, some time must elapse before it could be taken into consideration by the other House, he did not think the Government would be justified in keeping within that limit, and he felt bound to state fairly that they would deem themselves justified in issuing such sums as they might find absolutely necessary to prevent fatal consequences from the destitution in Ireland. With regard to the latter part of the noble Viscount's speech, threatening the House in some manner with the effects which this rate in aid was to produce in Ireland, he (Lord J. Russell) should not be alarmed by those words, because he happened to have seen a most excellent letter from the Marquess of Londonderry to the tenantry on his estates in Ireland, in which he stated that he was quite sure that loyalty and habits of obedience to the law were so rooted in the people there, that, should the Bill pass into an Act of Parliament, whatever objections they might have to it, there would be no resistance to the law on their part. [Viscount Castlereagh: They will all be gone to America.] If they should be gone, the rate would certainly not be collected from them; but he (Lord J. Russell) relied upon that letter of the noble Marquess, and thought it did him the highest honour, and it relieved him (Lord J. Russell) from any apprehensions he might otherwise have entertained. Having marked the reluctance of the House to vote the 50,000*l.*, he did not see any other mode than that now proposed by which to supply the destitution, and therefore he must persevere in asking the House to agree to it.

Mr. BANKES said, the House was not surprised, probably, at the observations of the noble Lord the First Minister of the Crown. He believed the statement of the other night was made rather according to the wishes of the noble Lord, than according to his expectations. He (Mr. Bankes) had himself had a letter from a gentleman, who in travelling but a very short distance in Ireland had to stop his car five times in order to have removed the dead and the dying who were lying on the road. It was obvious that the present measure would do nothing to relieve the distresses of the country, and it was deeply to be regretted that the Irish Members had not acted with more union and decision on the subject. He thought that the best mode of administering relief to Ireland would be to impose a rate in aid not only on one portion of that country, but on the cereal produce of foreign countries. It was to such a rate as that alone to which he could look forward with any hope for a permanent alleviation of the ills of Ireland. Let the Government abandon, at least for a time, their views of economical science; let them also increase the postage to a moderate amount; and an ample sum would soon be received by the Chancellor of the Exchequer for the evils which this Bill sought to remedy. He looked upon this measure with the greatest alarm; for by the second clause he found it was provided that those parts of Ireland which had been enabled barely to weather through her late and present calamities must henceforth be compelled to contribute to the relief of the most distressed portions of Ireland; and that, in fact, those distressed districts by this Bill would be entitled to relief from the poor-rates of the more prosperous districts, in preference to the claims of the distressed in the latter districts. Now, if they wished to contrive a measure which should make ruin universal, this, he thought, was a fit mode of making that experiment. This Bill would compel those places which by good management, by good landlords, and good tenants, had attained a comparative degree of prosperity, to contribute, before they considered the interests of their own poor, to the relief of distant and badly managed, and therefore distressed, parts of the country. Now he could not see justice or reason in such a measure, and he therefore protested against its further progress. And, as an English representative, in a particular manner he felt it his duty to do so, because it afforded no valid security for the money that was about, on the credit thereof, to be advanced from the imperial treasury for the support of the distressed people of Ireland.

Mr. BAILLIE COCHRANE said, he had hitherto refrained from expressing any opinion on this measure during the several discussions which had already taken place on it, naturally feeling that the discussion should rather be conducted by the representatives of that country for which they were now legislating; but he would venture that evening to make a very few remarks explanatory of the vote which he was about to record on this question. His observations would be brief, because he had no confidence in the present Administration with reference to their conduct on Irish affairs. He had met with a passage the other day, in a play written by the noble Lord at the head of the Government, and which was acted last year at *Sadler's Wells*, called *Don Carlos*, which exactly represented the Government's conduct towards Ireland. Don Carlos is made to say, in drawing a comparison—

> "Like ships at sea becalmed,
> Whose sails flap to and fro with scanty measure."

Now, he (Mr. Cochrane) thought that all the measures which had been brought forward by Her Majesty's Government were scanty measures indeed—

> "Achieving nothing, still promising wonders,
> By dint of experience improving in blunders."

When the noble Lord introduced a Coercion Bill for Ireland, he talked in magnificent language of the remedial measures which were to be introduced for Ireland. But, as yet, he (Mr. Cochrane) had seen nothing of such measures introduced by Her Majesty's Government. This, however, he would say for the other parties in that House—alike for the late Government and the new Opposition—that two eminent men, the leaders of two parties in that House, the right hon. Gentleman the Member for Tamworth, and the late lamented Lord G. Bentinck, had brought forward "large and comprehensive measures" for the improvement of Ireland. Whether or not the plan propounded by his late lamented Friend was or was not well adapted to the circumstances of Ireland, he could not say; but it must, at all events be admitted that it was a great and comprehensive measure; and the right hon. Gentleman the Member for Tamworth had also stated at great length the other day an admirable proposition for the improvement of Ireland. But still Her Majesty's Government did not pretend to bring forward any comprehensive measure for the permanent relief of that unfortunate country. And yet he might be in error in bringing such a charge against the Government. There had been that magnificent vote of 10,000,000*l.* for Ireland. But he ventured —at the time that that vote was submitted to—to state his opinion that the expenditure of such vast sums in the manner proposed was the most fallacious policy possible; because he held that there was but one means of wealth in a nation, and that was its industry. He held that that money had been positively thrown away. Ireland —by the accounts which the noble Lord himself had read to the House—was now in a worse condition than when the money was voted to her. They had just heard from the hon. Gentleman the Member for Dorsetshire that the people in Ireland were dying on the high roads. And he (Mr. Cochrane) had had an interview with a gentleman on the previous day who had just returned from Ireland, and who stated that the misery of that country was almost inconceivable. Well, then, if such were the results of their 10,000,000*l.* grant, what hope had they that this unjust and pitiable measure of the Government could have any beneficial effect? He would tell Her Majesty's Government that they had a serious responsibility resting upon them, which could not be averted; it was of no use to seek opinions from others, to go about asking for advice and counsel; they knew that this was no new evil; they had had time to make up their minds on the course which they ought to follow, and to take a great and comprehensive view of this mighty question. And were Her Majesty's Ministers now at last not prepared to give any answer to the demands which were being made upon them from all parties, to fulfil their long delayed promise to introduce "great and comprehensive measures" for the amelioration of Ireland? Or could they only make the schoolboy retort, "What have you to propose?" He would merely say this—and he thought that a few years would prove that there was some truth in his assertion—that if they continued to rule Ireland as they had hitherto, the cry for the repeal of the Union would rapidly increase; and, he thought, justifiably so. By giving to Ireland her own Parliament, they would restore to her the valuable boon of a resident proprietary and gentry. He knew that the loss of Ireland would detract from the dignity and character of this country—it would be an irreparable loss; he knew that, but he would say that, if there were two alternatives before him, the loss of the dignity of this country, or the loss of a famishing and perishing people—he, for one, unless the Government of the united kingdom were prepared at once to bring forward measures calculated to save that people—would support a repeal of the Union, if he thought that such a measure would save the people of Ireland from perishing by starvation.

Mr. POULETT SCROPE: Sir, I have opposed the principle of this measure throughout on two grounds—first, that it is inherently vicious, unjust, and impolitic; secondly, that it is not required, as its supporters allege, by an overwhelming necessity; there are other preferable modes of meeting the exigencies of these western unions. That the principle of this rate in aid is inconsistent with that of the poor-law itself, local responsibility, and wholly indefensible, except on the assumption of an overbearing necessity, is in fact admitted by its authors. The question, therefore, really is, does that necessity exist? Are there not other and preferable modes of meeting the exigency of the case? No doubt there is a necessity for advancing money from the Exchequer, as you are doing under this Bill, for the all-paramount object of saving the lives of hundreds of thousands of starving poor in the west and south of Ireland. What I dispute is, that the security you are taking for repayment of your advances in the rate in aid is not the best kind of security that could be devised, or indeed, a good security at all. I believe many better substitutes could have been devised. I voted on every opportunity for an income tax as a better security. But what I consider the best security by far is, that which I myself have proposed to this House on every occasion when a vote of money has been demanded for this purpose, which I urged last year when the vote of 132,000*l.* was proposed, and this year when the 50,000*l.* first, and afterwards this 100,000*l.* were proposed. On all these occasions I urged the House to take, as a double security for the advance, first, a lien upon the rates of the unions, with a power to sell the land itself for arrears of the rate; and, secondly, to expend the money in the productive employment of the poor whom you fed with it, by which you would give an increased value to the land, on which your security was based. Sir, had the Government thought fit to adopt this course, no rate in aid would be necessary, no unjust pressure would be imposed on the well-managed unions of the north and east for the relief of the mismanaged unions of the west and south—nor would there exist the danger of the non-repayment of our advances, which so many Members from Ireland now tell us plainly will never be repaid. The power to sell the land itself for satisfaction of the arrears of poor-rate, the Government has at length determined to be necessary; nor have I any doubt that, before long, they will equally open their eyes to the expediency of the other branch of my proposal of last year—namely, the productive employment of the thousands of ablebodied poor, whom they now insist on maintaining in idleness at the cost of the community. But if they will only make up their minds to this plain, common-sense principle at once, and without any further delay, they may give up their Rate in Aid Bill, with all its admitted faults and vices, its notorious perils and dangers; for I undertake to show them, that if they will only employ the ablebodied paupers of these western unions in productive labour, they will save all the cost of their maintenance—that is to say, they will obtain value in full for it; and as the ablebodied class composes at least two-thirds of the entire pauperism of those districts, and as the unions themselves are capable of defraying the cost of the remaining one-third, that is, of the relief of the helpless poor, there will be no necessity for travelling beyond the bounds of those very districts for the ultimate repayment of the entire expenditure. I take as a sample the five unions of the county of Mayo, perhaps the worst circumstanced of all these districts, viz., the unions of Ballina, Ballinrobe, Westport, Swineford, and Castlebar. I find from the inspector's report that the estimated number of paupers requiring relief in the coming summer is as follows, viz., Ballina, 27,000; Erris, 8,000; Ballinrobe, 25,000; Westport, 28,000; Castlebar, 18,000; Swineford, 24,000, making in all 130,000. Captain Hamilton reports that of the 27,000 paupers of the Ballina union, 4,500 consists of ablebodied men, having 14,000 persons dependent on them as their families. This will make 18,500 belonging to the ablebodied class of poor, out of 27,000 in all, or two-thirds, or more than two-thirds, of the whole. It is reasonable to presume that the same proportion of the ablebodied class to the whole number of paupers, prevails in the other unions of Mayo. Consequently, of the 130,000 likely to be chargeable this summer to these five unions, two-thirds, or upwards of 86,000, will belong to the class of ablebodied poor, and one-sixth of this number, or not quite 15,000, will be ablebodied men. Now, it is evident that if means could be found for setting to work these 15,000 ablebodied men productively, so as to get back the cost of their maintenance, you will reduce the actual loss or cost of maintenance of the poor of these five unions to only one-third of what it is, or will be, this summer—you will reduce it to an amount which the rates collected in the union itself may very fairly be expected to cover, as I find that last year about one-third of the expenditure for relief of the poor was so collected in these unions. If you can contrive to make the two-thirds of the paupers of these unions, consisting of the ablebodied class, self-supporting, the unions themselves may be expected to be competent to maintain the other one-third, consisting of the helpless poor alone. Now, I have often dwelt upon the notorious and admitted fact, that these western districts of Ireland afford a vast field for the production, and even profitable employment, of labour. This very county of Mayo alone has 800,000 acres, more than half its entire surface, in a state of primeval waste for want of labour; 470,000 acres of this is reclaimable with profit, according to Mr.

Griffiths. Is it possible to suppose that the labour of 15,000 men might not be advantageously employed upon this vast surface of useless land, in want of drainage and reclamation, through the ensuing summer months? But in addition to this resource, there are many thousand acres of land hitherto cultivated, and now lying waste. Mr. Brett, the able county surveyor of Mayo, in his evidence before the House of Lords' Committee on the Irish poor-law, estimates it at 50,000 acres—50,000 acres of arable land lying waste at this moment, and wholly unproductive, without stock, crop, or any thing but weeds growing on them. Could not means be devised, by the wisdom of statesmen, for setting to work the 15,000 ablebodied paupers, whom, with their families, we have got to maintain this summer, upon a portion, at least, of these 50,000 acres of land now lying waste and untenanted, and actually in pawn at this moment to the board of guardians for arrears of poor-rate? But if this is inadmissible, there are the unfinished and unrepaired roads of the county. Mr. Brett, the county surveyor, declares, in his evidence before the House of Lords' Committee, that the roads throughout the county are becoming absolutely impassable for want of labour on their repair, and the completion of those begun in 1847, the grand juries having refused to make presentments for the purpose, through the known impossibility of collecting the county cess. Why not, then, employ the 15,000 ablebodied paupers of the county on this work—at least work which would fully repay the entire cost of their relief, and that of their families? In proof of this assertion, I have to call the attention of the House to the statement given in the paper I hold in my hand, of the perfect success of an experiment of this kind, on a large scale, too, recently made in the county of Kilkenny, in the union of Callan. It appears that by some happy accident the board of guardians of that union have contrived to evade or set aside the usual prohibition issued by the Poor Law Commissioners against the employment of the ablebodied paupers on productive work of any kind; and, by leave of their sensible assistant-commissioner, they lately engaged the county surveyor, Mr. Carter, to find employment for their ablebodied poor in repairs and improvements of the county roads; and here I have the result in detail, as given in his report. Mr. Carter reports that the work was entirely executed by the paupers, under careful superintendence, working at task-work, but for ration pay, given in meal, in the necessary quantity for the support of themselves and their families—just the same as the guardians must have paid them as outdoor paupers doing nothing, or breaking stones in quarries, where they were not wanted. And the result is, that their pay came, at the end of the quarter, to 736*l.* 2*s.* 9*d.*, while the work done by them, valued at the usual prices of the county, amounted to 772*l.* 4*s.* 10*d.*, giving a profit of 36*l.* 2*s.* over and above the saving of the entire maintenance of these ablebodied poor men and their families. Now, this is not a theory, but a fact. If the union of Callan were able to save the entire expense of maintaining their ablebodied poor, by employing them on this kind of public work, why could not the same thing be done in the five unions of Mayo, or the twenty-one unions for which we are passing a rate in aid? Will it be said that paupers will not work? Here I show you that they have worked in the union of Callan, and earned their entire maintenance, and more than that. Is it supposed that the poor of Mayo are more idle and demoralised than the poor of Kilkenny? I meet this by the evidence of Colonel Knox Gore, before the Lords' Committee. He said he had been recently employing, on an average, 1,000 labourers. He had taken them from the outdoor pauper list, and he found, after a few weeks, that they worked readily, willingly, and assiduously, and did their utmost to earn the very scanty wages he was able to pay them. Then look at the system you are pursuing. You are levying rates on all Ireland to support near 90,000 ablebodied paupers in the county of Mayo, comprising 15,000 working men, in mere idleness, through the coming summer, while the roads of Mayo are becoming impassable for want of labour to repair them, and the lands of Mayo are going out of cultivation for want of labour to dig and to sow, to drain and to hoe them. I ask you to reconcile this conduct, if you can, to common sense, common prudence, common justice. If the roads of Mayo would not absorb all its surplus labour productively, there are hundreds of thousands of acres of waste lands requiring reclamation; there are the wet lands requiring arterial drainage; finally, there are the lately cultivated lands thrown up requiring tillage. Mr. Brett says many landowners would let these lands merely for the amount of the poor-rates. Why may not the guardians or the Poor Law Commissioners, to whom the arrears of rate from these lands are due, take them on lease and cultivate them by the labour of the idle paupers, and at least make them self-supporting—make them earn their maintenance? Surely, if only for the sake of keeping up the habit of work and industry among them, this would be desirable. But there is not a doubt that they would earn the full value of their maintenance, which would be repaid to you, who make the necessary advances, either by the crops of this autumn, or by the improved value of the land, drained or reclaimed, or, finally, in the case of road-work being prepared by a charge on the county cess. Having all these resources at hand for the productive employment of these idle paupers, and being obliged to advance the funds necessary for their maintenance as you are doing now, I say it is intolerable that you should be compulsorily taxing other districts wholly unconnected with these unions for the repayment of those advances which you persist in wasting on merely keeping alive the ablebodied poor. The example of England proves to you that it is consistent with a well-administered poor-law to apply the outdoor labour test to ablebodied paupers, and employ them on useful public works, when there is an extraordinary pressure on the rates. It has been often done in England with the sanction of the Poor Law Commissioners. It was done in no less than forty unions last winter. Employment was given generally on road works; but, in some cases, as in that of Sheffield I quoted to you the other day, in the reclamation and cultivation of waste lands. Why, when the urgency of the case is so much stronger, can you not resort to the same expedient in Ireland? Sir, the policy of refusing to do this seems to me so infatuated I know not how to characterise it. I venture to foretell that the common sense of the country will, before long, rise up against so ruinous a system; and that you will resort to the old Elizabethan practice of setting to work the ablebodied poor of the Irish unions. But if you will only do this immediately, you have no need of your rate in aid. You have only to advance the necessary funds on the credit of the rates, and the improved value derived from the productive works will enable the unions to repay your advances with certainty. Meantime, you will have the security of the fee-simple of the lands liable to rate. You will thus reduce the pauperism of the west of Ireland to a very manageable compass. You will relieve the owners and occupiers of land there from that panic which is now driving the farmers to emigrate to America with their capital, and which is indisposing capitalists from purchasing or renting land there. Relieve the rates from the pressure of the ablebodied poor by productive employment, for which these districts afford so ample and promising a field, and you remove that impediment which will otherwise render your Incumbered Estates Bill and Sale of Land Commission of no use, from the unwillingness of parties to buy or to lease land there under present circumstances. You have in the west of Ireland a vast field for productive industry. You have a population willing to work that field, and develop its latent wealth, if only they be employed at a bare living wages on it. You are obliged to find capital wherewith to maintain them. I say, apply it in such a way as to render them self-supporting, at least in such a way as to commence the work of improvement that is wanting, and, at the same time, set the example of industry and energy, and remove the bar which now deters private capitalists from entering on the same field. The spell once broken, the work would go on of itself. The rates reduced by productive employment, owners and occupiers will set themselves to work after your example. Capital will spontaneously flow in, both for purchase of land and its improvement, and all your difficulties will vanish, and an era of growing prosperity commence. Having this opinion of the inexpediency of the course that is now pursued, and the far preferable character of that I have pointed out, I, Sir, can only repeat now the vote I gave against the principle of this Bill on the second reading.

Mr. SHARMAN CRAWFORD asked, if hon. Gentlemen had read the accounts just received from Mayo? If they had, it was impossible for them to believe that the utmost amount to be raised under this Bill would be at all adequate to the growing increase of distress. Three-fourths of the unfortunate inhabitants of Mayo were without clothing, houses, and employment. In such a state of things, the rate in aid would have the effect of increasing the evil, and of stopping employment, because a greater number of substantial people would be driven out of the country. In his opinion, assistance could best be rendered by the Government undertaking large works of public improvement, so as to give an immediate stimulus to employment. He was utterly astonished at the course pursued by the English Liberal Members—by the advocates of popular liberty, and those who contended that there ought to be no taxation without representation—in supporting a Bill that violated every principle of constitutional liberty. He had himself proposed an Amendment on this Bill on a recent occasion, and he found that not one single Liberal English Member divided with him. The present case was an extra one—it was a case of famine; and as such it ought to be provided for, not by the poor-laws, but out of the imperial exchequer. He was quite willing that Ireland should bear her fair share of the general taxation; but so long as the Union existed, he could not consent that Ireland should be exclusively taxed for what were justly imperial purposes. They had been told that by opposing this measure they contributed to increase starvation and want. If he thought that the measure would save the people from starvation, it should have his support, were it even ten times more unconstitutional than it was; but when he saw that the money already granted had not that effect, but that death from starvation was still advancing with rapid strides throughout the land, he did not want to allow this money to be expended in a similar manner. He thought that other steps ought to be taken. They were well aware of the fearful extent to which the ejectment system added to the mass of pauperism in Ireland; but if they thought it wrong, why was that system allowed to continue? He believed there never was a measure more calculated than the present to deprive this country of all moral weight among the Irish people; and believing, as he did believe, that it was also most unconstitutional, he felt it to be his duty, not merely as an Irishman, but as an English representative, to give it his most decided opposition.

Mr. GRATTAN was glad to hear the intimation of the noble Lord, as to his intention to make larger advances than he had at first contemplated for the relief of the perishing people of the west of Ireland. He (Mr. Grattan) had just received letters from Ireland to the effect that the distress of the west was rapidly extending to the north and south of Ireland; in fact, undertaking for funerals appeared to be the best trade in Ireland now-a-days. Captain Larcom had stated that 16,000,000 quarters of grain had been produced in Ireland during the last year, which, if they had been retained in that country, would have maintained double the population. And yet the people, notwithstanding that more than abundant harvest, were allowed to die of starvation. Did they think that an Irish Parliament would have allowed such a horrible state of things to take place? Would not an Irish Parliament have imposed an embargo on the ports, have shut up the distilleries, and, in fact, taken every necessary step for the preservation of the lives of the people? When the noble Lord's country was threatened in 1795 with a French invasion, Ireland (although England was not then in a distressed condition) generously determined on raising a force of 40,000 Irishmen to strengthen the arms of England against her Continental foes, and voted 200,000*l.* to defray the expenses of that force. He would, therefore, ask whether the United Parliament was dealing generously or justly with Ireland in her present calamitous condition? The present measure was fraught with ruin to the few who still possessed a little capital in Ireland. If they merely did justice to the people of Ireland, all their difficulties would vanish. He hoped to see the day when the lords and ladies of the empire would coin their spoons, and take the bracelets off their arms, not to bear down, but to raise up the people. England was not asserting her position; she was making war with Mr. Duffy, instead of applying her energies to meet the difficulties of her position, and instead of asserting her eminence among the nations of the earth. England had destroyed the agriculture and manufactures of Ireland. Where were these things to end? As long as they drained the country of her gentry, they would never be able to afford the people employment; and as long as they were in want of employment, there would be no prosperity in the land. They might try plantation schemes as much as they liked; they would never succeed while those who derived their rents from the land were absentees. Let them tell the people not to pay one shilling of rent to an absentee proprietor. That would be an intelligible proposition. He implored the noble Lord to follow some portion of the advice of the right hon. Baronet the Member for Tamworth. But let him not be deceived, and think that if he obtained a new set of proprietors, he would have saved the property of the country. He would vote for the third reading of the Bill.

MR. J. O'CONNELL said, he should commence the observations which he had to make on this Bill, by entering his protest against the invidious distinctions that had been drawn by the Gentleman opposite, the Member for Bridport, between different sections of the Irish Members; such comparisons ought to be given up. He had also to protest against the manner in which the hon. Member alluded to the restoration of the Irish Parliament, as being equivalent to a separation between the two countries. He believed that the tendency of the present debate was in favour of a restoration to Ireland of her just rights; and his firm conviction was, that the repeal of the Union would lead to a more real and sound connexion between the two countries than had ever been witnessed before. He should also protest against what the hon. Gentleman had said as to the former grants having produced the bad consequences that they now sought to struggle against. The present state of the country was owing to the recurrence of the famine, and not to the dole of money—large, he admitted, under other circumstances, but small and inefficient under the amount of evil which it was intended to check. As to the Bill before the House, he had voted for it, because a most harsh and cruel alternative was alone held out—that of electing between it and a still worse measure. But if hon. Gentlemen would not listen to the advocates of repeal, they ought to pay some attention to the representations of those Irish Members who had always opposed the repeal agitation. Were it only from a feeling of gratitude for past services, the aristocracy of the country ought now to be attended to by this country. He was grateful to the noble Lord at the head of the Government—for at present people should be grateful for even common humanity—for the promise that the miserable dole of 5,000*l.* or 6,000*l.* a week was to be increased. By the niggardliness of that House, and of the English people, the funds had been heretofore doled out in so wretchedly inefficient a manner that hundreds of thousands of the people had perished of absolute starvation. Even if successful to the utmost of their hopes, this Bill would only keep the wretched pauper population in that state between life and death which was hardly preferable to death itself, whilst the vast population outside the walls of the workhouses were left absolutely destitute. It was a mockery that ought to bring back shame on the name of England to describe as relief the misplaced and cruel economy and niggardliness that brought such fearful destruction among the Irish people. It was not the west of Ireland alone that was in distress. He had letters from gentlemen residing in the neighbourhood of Kilkenny, in which were described scenes of distress of the most dreadful character, while from other parts of Ireland, whose means of access to the metropolis were, comparatively speaking, difficult, he had received communications giving him details of terrible scenes of desolation and misery, which were not to be surpassed even in the west. Of what use, then, would such a measure as this be in stemming so dreadful a torrent? If the House really wished to relieve Ireland of much of her distress, why let it interfere to put a stop to that horrible system of reckless evictions which at present disgraced some portion of the landed interest of Ireland. He knew in a few cases there might be an excuse for such proceedings in the frightful reduction which had latterly taken place in the value of landed property in Ireland; but, nevertheless, the House or the Government ought to interfere to prevent these gross and cruel outrages upon public decency. The *Cork Examiner* of last week gave a most horrifying account of some evictions which had recently taken place on the property of Mr. Marshall Leason, of the country of Kerry; and while such occurrences were allowed to take place, it was hopeless to expect the condition of the people to be improved by measures of this description. No doubt the landlords were rendered desperate by their own sufferings; but again, he repeated, that was no excuse why Government or the House should not interfere to suppress such a practice. It was driving the farmer class from the land, who were the staff and yeomanry of the country; it was killing the poor by thousands, while it hardened and brutalised those who could still maintain their footing upon the ground; and therefore, no question, whether of foreign or colonial importance—whether relating to England or any of her dependencies—ought to be entertained until something were done to stop the progress of so terrible a system. It was to the farmer and smaller landholders that they must look for the regeneration of Ireland; and to preserve that class it was absolutely necessary that some steps should be at once taken to prevent these wholesale evictions. Another unfortunate circumstance, which dreadfully affected Ireland, was the quarter-acre clause of the poor-law. That clause had been the means of universally denying relief to the hungry and the famished all over Ireland. No man who held more than a quarter of an acre of land could claim relief under the poor-law, and the result was that thousands perished of absolute starvation, because they were refused relief on that account. The British public—the British Parliament—ought not, upon an occasion like this, when adversity had not only paralysed the energies of the people, but was rapidly depopulating the land, to grudge money to Ireland; but as a measure of humanity, if not of justice, they ought cheerfully to come forward to the assistance of unfortunate Ireland. England was ready enough to spend her money upon the improvement of her public buildings and monuments, but denied to Ireland the means—trifling though they were—of preserving her people from hunger? When the future historian came to relate the terrible events of the day, and to point to the splendid edifices which adorned the great cities of this country, built up in the present time, what would be the reflections of the succeeding generation which might happen to dip into his pages? Why, of shame and humiliation, that their forefathers should have been extravagant in gratifying their own tastes, while the people of the sister kingdom were crying out for help against a visitation with which it had pleased Providence to smite them. Let the House, then, take warning in time, and by raising up and fostering an independent and industrious class of agriculturists in Ireland, save the country from absolute ruin, and their own name from being stigmatised with cruelty in the future.

Colonel DUNNE still believed that the measure would prove a failure, although, like other Members who had spoken against it, he was quite prepared to submit to any tax which was calculated to benefit Ireland, if just in its principle. The responsibility of the failure of this measure, therefore, would not rest upon them, but upon the Government, who were inducing the House to advance money upon insufficient security. It would seem that Government felt they could not get the money to meet the present distress from the House, and hence they had recourse for it to Ireland itself; and certainly, if Ireland had the money, that would be a fair and proper course; but he was prepared to prove that the money could not be got from Ireland. One-half of the unions and electoral divisions of Ireland were in a state of bankruptcy and absolute pauperism, and therefore the whole of this tax must fall upon the other half of Ireland. Now, how was it possible that in such a state of things Ireland could raise this money? The thing was perfectly delusive. The noble Lord at the head of the Government complained that he had received most distressing accounts from Ireland of the sufferings of the people: well, so had nearly every Irish Member in that House; but who was responsible for that suffering? Why, surely, the noble Lord, for he was warned of these passing events long ago, so far back indeed as the commencement of last year. The whole Irish Members, as a body, foresaw the return of the famine, and took every opportunity of warning the Government that in their past, and in fact their present, poor-law policy, they were pursuing an extreme system, which must eventually result in the entire loss of their money. By a return for one of the recent half-year's expenditure in the present modes of relief, it appeared that 700,000*l.* had been altogether expended, of which 200,000*l.* was for the expense of spending it. Now, was it possible that any country could continue to go on evenly under such a state of things as that? In his view of the case, there ought to be a maximum rate for the support of the poor, beyond which no union nor division should be allowed to go; and then, if the locality could not support its own poor, the whole united kingdom should be equally responsible for the excess. That was a question which applied with as much force to England as Ireland; so far, however, as it regarded this country it had yet to be debated; it had been commenced in reference to Ireland, but ere long it must be taken up with the view of applying it to the whole of the united kingdom. At the time of the union it was agreed that the manufactures of Ireland should be destroyed—that the manufactures of Ireland should be destroyed upon condition that she was to have an exclusive supply of agricultural produce to this country. Now that bargain had been broken by the repeal of the corn laws, no doubt for the advantage of the community generally; but no benefit was likely to accrue from it to Ireland. Under these circumstances, Ireland had some claim in her present emergency upon Parliament and the country; for the House might depend upon it that the greatest misery Ireland could ever suffer, would be the want of a market to obtain a remunerative price for her agricultural produce. She had no other resource but agriculture to depend upon—and destroy that, and you annihilate the people. This rate ought not to be confined to one particular part of the kingdom; to be just, it ought to extend to the whole. And here he must be allowed to say, that he was glad to find hon. Gentlemen opposite desirous, not so much of opposing the principle of voting the 50,000*l.* as a grant, as of being let into the secret of how the money was spent. Well, now, that was a very just ground to take up, for he held in his hand a return of the money advanced to Ireland, and he found that there was no account given whatever of the way in which the 4,500,000*l.* was expended under the provisions of the Labour Rate Act. That, in his opinion, was quite sufficient to induce any body of English Members not to vote in favour of grants, and a complete justification for the unwillingness of the House to grant further sums to Ireland. That anxiety, however, to know how the money was expended, ought not to be confined to Ireland, but ought to extend to the entire imperial treasury; and it was with that feeling he warned the House that, in passing this measure, they were voting money without taking sufficient security for its repayment. Before he sat down there was one other difficulty standing in the way of Irish improvement, which he must be allowed briefly to advert to. He meant the attacks which the press of this country had made upon Ireland, particularly those papers which were supposed to be under the influence of Government. These attacks were well calculated to set the feelings of the people of this country against Ireland; for no class in Ireland escaped the calumny of some portion of the English press; and the difficulty was, that when Government felt disposed to deal out justice to Ireland, they found the feelings which these attacks gave rise to standing in their way. He hoped, however, that in future, the press would act with more liberality to Ireland; and without detaining the House further, he would sit down with simply reminding those English Members who supported this Bill, that the opinions of Ireland upon it might be gathered from the fact, that while 172 petitions had been sent from that country against it, only one had been presented in its favour.

Question put, "That the word 'now' stand part of the question."

The House divided:—Ayes 129; Noes 55: Majority 74.

List of the Ayes.

Abdy, T. N.
Acland, Sir T. O.
Adair, R. A. S.
Aglionby, H. A.
Anderson, A.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Beckett, W.
Berkeley, hon. Capt.
Bernal, R.
Birch, Sir T. B.
Boyle, hon. Col.
Bright, J.
Brotherton, J.
Brown, H.
Brown, W.
Bunbury, E. H.
Busfeild, W.
Butler, P. S.
Carter, J. B.
Clay, J.
Clay, Sir W.
Cobden, R.
Craig, W. G.
Denison, W. J.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Drummond, H.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Ellis, J.
Evans, J.
Evans, W.
Fagan, W.
Forster, M.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Granger, T. C.
Greenall, G.
Grey, rt. hon. Sir G.
Harris, R.
Hastie, A.
Hastie, A.
Hay, Lord J.
Hayter, rt. hon. W. G.
Henry, A.
Heyworth, L.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Howard, Lord E.
Jervis, Sir J.
Keppel, hon. G. T.
Kershaw, J.
Kildare, Marq. of
Labouchere, rt. hon. H.
Lacy, H. C.
Lascelles, hon. W. S.
Lewis, G. C.
Lushington, C.
M'Gregor, J.
Maitland, T.
Mangles, R. D.
Masterman, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Molesworth, Sir W.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Norreys, Sir D. J.
O'Brien, J.
O'Connor, F.
Ogle, S. C. H.
Paget, Lord C.
Pakington, Sir J.
Palmerston, Visct.
Parker, J.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Power, N.
Price, Sir R.
Pryse, P.
Reid, Col.
Reynolds, J.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, Sir J.
Russell, Lord J.
Rutherfurd, A.
Salwey, Col.
Slaney, R. A.
Smith, J. B.
Somers, J. P.
Somerville, rt. hn. Sir W.
Stanton, W. H.
Strickland, Sir G.
Talfourd, Serj.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.

Thornely, T.
Traill, G.
Trelawny, J. S.
Villiers, hon. C.
Vivian, J. H.
Watkins, Col. L.
Wawn, J. T.
Wellesley, Lord C.
Williams, J.
Willyams, H.
Wilson, J.
Wilson, M.
Wood, rt. hon. S.
Wyld, J.

TELLERS.
Tufnell, H.
Bellew, R. M.

List of the NOES.

Alexander, N.
Archdall, Capt. M.
Baldock, E. H.
Bankes, G.
Bateson, T.
Bentinck, Lord H.
Beresford, W.
Bernard, Visct.
Blake, M. J.
Bourke, R. S.
Bromley, R.
Brooke, Sir A. B.
Buller, Sir J. Y.
Chichester, Lord J. L.
Cochrane, A. D. R. W. B.
Conolly, T.
Corry, rt. hon. H. L.
Crawford, W. S.
Dawson, hon. T. V.
Disraeli, B.
Dunne, F. P.
Fagan, J.
Ferguson, Sir R. A.
Ffolliott, J.
FitzPatrick, rt. hn. J. W.
Fox, R. M.
Gladstone, rt. hon. W. E.
Gore, W. R. O.
Granby, Marq. of
Grattan, H.
Greene, J.
Grogan, E.
Hamilton, G. A.
Herbert, H. A.
Hill, Lord E.
Horsman, E.
Keogh, W.
Macnaghten, Sir E.
Manners, Lord J. S.
Maxwell, hon. J. P.
Meagher, T.
Monsell, W.
Mullings, J. R.
Newport, Visct.
Nugent, Sir P.
O'Brien, Sir L.
O'Connell, J.
Packe, C. W.
Plumptre, J. P.
Rawdon, Col.
Scrope, G. P.
Spooner, R.
Sullivan, M.
Taylor, T. E.
Young, Sir J.

TELLERS.
Jones, Capt.
Castlereagh, Visct.

Main question put, and agreed to.

Bill read 3°, and passed.

Motion made, and Question proposed, "That the title be 'An Act to make provision, until the thirty-first day of December, one thousand eight hundred and fifty, for a General Rate in Aid of certain distressed Unions and Electoral Divisions in Ireland.'

COLONEL RAWDON remarked, that the word "general," in the title, was at variance with the intention of the Bill. The contents of the Bill only applied to a proportionary part of the united kingdom, and in lieu of the word "general," it would be more in conformity with the contents of the Bill if the word "separate" were inserted instead. He felt it to be his duty to enter his protest, now that the Bill had passed, against this innovation of the Act of Union, which he considered the House had broken through most unjustifiably. If they adopted the word "general," it would imply that the rate extended over the whole country, which it ought to do under the Act of Union. There was another objection he had to the Bill, or rather, he wished to propose the insertion of two words into the title, which would make more explanatory the objects of the Bill; besides, if these words were not introduced, it might lay the Irish representatives who had opposed it open to the obnoxious charge of having opposed it from motives of inhumanity. The reason which had induced the Irish Members to oppose the Bill was simply that the parts of the country upon which it was proposed to levy the rate were better off than those which the rate was intended to relieve, while they felt that it would most materially cripple the working of the poor-law in Ireland. He should, therefore, like to add two other words to the title, and he did not think there would be any serious objection on the part of the Government to adding them. He wished to insert after the word "certain," the words "other more," which would make the title read thus—"To make temporary provision for the support by a rate in aid of certain other more distressed unions and electoral divisions in Ireland." That, he thought, would show the people of England the reason why the Irish Members stood up against the Bill to the last, because there were other portions of the country but little removed from the destitution which the rate was intended to remove.

Amendment proposed, to leave out the word "general," and insert the word "separate" instead thereof.

LORD J. RUSSELL thought that the word in question was not open to objection. The word "general" was used as in the case of the income tax, which was said to be a general tax on property and income; and as the assessed taxes were said to be general, although they applied only to England and Scotland, and not to Ireland, he thought that the word general might be used as well in the present case as in those he had pointed out.

Question "That the word 'general' stand part of the Question," put, and agreed to. Title agreed to.

SUPPLY—NAVY ESTIMATES.

The House then went into a Committee of Supply; Mr. Bernal in the chair.

The following votes were passed *nem. con.*:—138,214*l.* to defray the salaries of the officers and the general expenses of the Admiralty Office; 9,772*l.* for the General Register and Record Office of Seamen; and 52,847*l.* for the scientific departments of the Navy.

On the vote of 137,287*l.* for Her Majesty's naval establishments at home,

Mr. CORRY took occasion to remind the House that the late Secretary of the Admiralty (Mr. Ward), in moving the estimates, and in explaining the alterations which the Admiralty proposed in the dockyards, made some observations with respect to the manner in which the business was carried on by the dockyard officers. Since that time certain hon. Members, following up the remarks of the hon. Gentleman, had made use of strong language in reference to those officers—some having even gone the length of charging them with gross and profligate mismanagement. Now, having had five years' experience of the manner in which business was carried on in the dockyards, and entertaining as he did the highest respect for the officers of those establishments, believing that they were actuated by the most ardent desire to promote the public service, and having always found them conscientious and zealous in the discharge of their duties, he felt bound to say that the observations which had been made upon them were by no means deserved. He would do the hon. Gentleman the late Secretary of the Admiralty the justice to say, that he did not think he intended to convey the impression to the House which some hon. Gentlemen had attached to his remarks. It had been said, too, that the Board of Admiralty had for 200 years been conniving at gross peculation and extravagance in the dockyards. In disproof of this assertion, he would refer to the investigation into dockyard affairs which had taken place under the Commission of Inquiry, appointed by the 43rd George III., passed in 1802, and to the various amendments subsequently introduced by successive Boards of Admiralty. Without denying that the system was open to improvement, he felt bound to maintain that the charges which had been urged against it were greatly exaggerated. It was said, for instance, that there had been no audit of wages; but that did not arise from any loose management on the part of the authorities, but simply because they had always found their preliminary inquiries sufficient to secure accuracy. Then again it was said that there had been no general survey of stores; but that was because of the enormous expense which such a survey would have occasioned, and because it was considered to be unnecessary, in consequence of other arrangements calculated to secure the same end. With respect to the existence of any check upon expenditure, it should not be forgotten that there was a monthly return of all the stores, which was duly verified by the superintendents.

Sir F. T. BARING regretted that his hon. Friend (Mr. Ward) was not present, in order to explain personally that he had had no intention whatever of ascribing blame to the officers of the dockyards. So far was his hon. Friend from stating that the system hitherto pursued at the dockyards had been a system of peculation, that he, on the contrary, was much struck and greatly satisfied, on strict inquiry, by the honesty with which the public business had been carried on in the dockyards. No doubt there was room for improvement there, as in all large establishments of a similar nature.

The vote was then agreed to, as was also a vote of 24,873*l.* for the contingent expenses of the naval establishments abroad.

On the vote of 414,763*l.*, for the wages of artificers, labourers, and others employed in the naval establishments at home,

Mr. COBDEN expressed a hope that the right hon. Baronet the First Lord of the Admiralty would postpone these votes until the hon. Member for Montrose was in his place, to move two amendments of which he had given notice—one for the reduction of the number of admirals, and another for the reduction of the dockyard battalions and shipwrights. His hon. Friend had been unable to remain in the House owing to a sudden attack of cold, which rendered him inaudible, and, as his amendments were of importance, it was advisable to let the votes to which they had reference, stand over until he was present.

Sir F. T. BARING would prefer proceeding with the votes; and he would afford the hon. Member for Montrose an opportunity of taking the sense of the House on the estimates upon the bringing up of the report.

The votes were then agreed to.

Votes of 40,744*l.* for artificers in the naval establishments abroad, and of 818,869*l.* for the expenses of naval stores, steam machinery, were also agreed to.

Mr. COBDEN said, that with reference to the charge of peculation against the officers of the dockyards, all those hon. Members who had taken part in the exemination of the subject last year were satisfied that there existed no grounds for any such imputation. But there was a concurrence of opinion in their minds that the management of the dockyards had been excessively defective; and he believed that a commission or a committee had been appointed to revise the system, and place the establishments more upon the footing of private concerns. It was agreed that the stock should be taken, and that other arrangements should be carried out; and he wished the right hon. Baronet to state the result of these improvements.

Sir F. T. BARING said, that an inquiry had been made into all the dockyards, and that the report consequent upon that inquiry had been carried into effect with gratifying success.

A vote of 391,934*l.* having been proposed to defray the charges of new works, improvements, and repairs in the naval establishments,

Mr. W. FAGAN complained of the small share enjoyed by Ireland in the great sum expended upon the naval establishments of Great Britain. Out of a total expenditure of near 2,000,000*l.*, only 1,355*l.* went to Ireland. He called upon Government to redeem their pledge of constructing a harbour and establishing a steam factory at Haulbowline, in the Cove of Cork. There was no difficulty now as to the title of the land for the erection of the latter establishment.

Sir F. T. BARING admitted the pledge to which the hon. Gentleman referred. They were bound to establish the naval works in question, and were most anxious to do so. Up to the present moment, however, a difficulty as to the title of the requisite land had delayed the works; but as soon as the title had been made good—and he was glad to hear from the hon. Gentleman that the difficulty in this respect had been overcome—an additional vote for the purpose would be applied for. As to the steam factory, no doubt there had been an intention to erect an establishment of the kind; but that intention had been abandoned, with a great many other schemes involving expense.

Mr. J. O'CONNELL would remind the House that it would be very harsh treatment towards Ireland if there were to be only one naval establishment there. He would remind them that, by the Act of Union, to which reference had been made, it was stipulated that there should be a dockyard at Cove; but, without reference to any promises made at that period, the Government ought, in common justice to the country, and for the sake of their maritime interests, to carry out a plan of such utility as that of making Cove a naval establishment. He would appeal to the hon. and gallant Admiral the Member for Launceston, whether Cove were not a most desirable harbour for such an establishment. While on that subject, he would ask, was it creditable to the Navy to have a guard ship such as the old *Crocodile*, which, in her best days, was known as a "jackass" frigate, bearing the admiral's flag in such a harbour as Cove ?

Admiral BOWLES : Sir, having been appealed to by the hon. Member who spoke last, I add with pleasure my testimony to the importance of a steam basin at Cork, and sincerely regret that some small proportion of the millions so lavishly wasted in Ireland in 1847, was not applied to this purpose, which would have been a really reproductive work, and equally useful in a national and local point of view. It is always with reluctance that I ask for the attention of the House; but really we have of late heard and read such absurd and mischievous misrepresentations with respect to naval affairs, both here and elsewhere, that although I am fully aware of the difficulty of dealing with a dry professional subject clearly and intelligibly, and sincerely wish the task had fallen into abler hands, I feel it to be a duty I owe to my country to endeavour to dispel prejudices so unfounded, and at the same time so dangerous; and I am encouraged by reflecting, that at least no one will deny the paramount importance of the question at issue—that it is by her maritime strength and superiority that this country has been enabled to raise herself to her present proud pre-eminence, or that without that strength and superiority she could not maintain her rank amongst powerful rivals and competitors even for a single year. Withhold from our merchants that naval countenance and protection on which they have hitherto been accustomed to rely in peace as well as in war, or diminish it below that which other nations afford to their subjects, and see what execrations would be heaped on the heads of those shallow and short-sighted politicians (as well as on any Government weak enough to give way to them), whose mischievous interference had caused this national degradation. In all former times, and when our military organisation and preparations were much more perfect and complete than they now are, a British Parliament has always viewed with particular jealousy any diminution or mismanagement of the Navy; and I am confident that if I searched *Hansard* I could quote numberless declarations from the hon. Member for Montrose, testifying his utmost readiness (even at the moment when he was waging his fiercest warfare against the Army Estimates), to vote any sum which might be necessary for the due efficiency of the Navy. The whole question at issue, therefore, is simply this — What do we understand as constituting that state of due efficiency? Is it that relative strength and superiority which the experience of the past has proved to be absolutely necessary for our defence and protection; or have some new circumstances arisen which render all these precautions no longer important? Now, Sir, I discard as wholly unworthy of consideration or argument all the wild and vague talk we have heard of the changed views and disposition of the world, of an increasing abhorrence of war, and a general inclination to settle all disputes by amicable negotiation, rather than by the sword. Would to God, Sir, that I could place the slightest confidence in these, I fear, visionary assertions; but when I look back to the events of the last three years, and see that in 1846 President Polk was only deterred by our firm and determined attitude from putting into execution his avowed intention of seizing our territory in Oregon; that in 1847 he actually attacked and conquered Mexico; and that during the last eighteen months Europe has been most fearfully convulsed by a mixture of foreign and domestic warfare—I cannot believe that any sane man will venture to assert that this is a moment in which the Government of the country can be justified in still further weakening the small amount of force we at present maintain in a state of efficiency, and without which our mediations and interventions would be wholly disregarded. In all other respects our situation remains precisely the same. We are still only separated by a narrow strait, and a very few hours' sailing or steaming, from a formidable and powerful neighbour maintaining large naval and military establishments, the whole weight of which might on any critical occasion be turned with much greater facility and rapidity than formerly against us. And, Sir, besides all this, I have, I confess, an old-fashioned prejudice in favour of experience, in preference to theories and professions; and I have therefore been observing attentively how these "men of peace," who assure us that "the spirit of the times" is so decidedly opposed to all violence or appeals to arms, are conducting themselves in their own individual capacities with respect to this question. They are obviously becoming an active and prominent party; and if their views are as pacific as they represent them to be, we should, I imagine, see them exerting all their endeavours to forward this most laudable object by inculcating the great maxims of Christianity—charity, forbearance, and brotherly love—assuaging all religious differences and animosities—disposing all classes of society to throw aside mistaken and injurious jealousies and suspicions—and, in short, by inducing all within their influence to become loyal, peaceable, cheerful, and contented in the various situations in which it has pleased Providence to place them. But now, Sir, does this description in the slightest degree resemble all that we hear and read? I think not. These gentlemen seem to me as pugnacious politicians as I ever remember during the course of a pretty long experience, and they must therefore excuse me if I judge of them rather by their practice than their professions; and that remembering the old fable of the sheep, the wolves, and the dogs, I frequently imagine that I see one of the most plausible and insidious of their body approaching the poor innocent sheep, with the most tranquillising assurances that a great change has taken place—that wolves are no longer carnivorous—that liberty, equality, and fraternity now govern the world; and that if the sheep could only be prevailed on to dismiss from their service three troublesome and disagreeable dogs—whose names, I believe, were Army, Navy, and Ordnance—the wolves would be delighted to fraternise with them, and to lead them to all the sweetest pastures and clearest brooks. Sir, we all know the sequel of the story—the dogs were discarded, and their dismissal was followed by a grand fraternal banquet, consisting entirely of mutton in all its various shapes and forms! With this catastrophe before my eyes, these gentlemen will forgive me if I prefer the dogs to the wolves, and if I venture to express my fears that they are proceeding by sap and mine against those great safeguards of the empire which they dare not openly attack, and endeavouring to mislead the country by exaggerating the expense, disparaging the management, and sneering at the efficiency of our naval establishments. Nothing strikes me so forcibly in these discussions as the unbusinesslike way in which we go to work, when we talk about our establishments being too large, without ever giving ourselves the trouble to inquire what proportion they bear to those of other maritime Powers. It is a very remarkable fact, and one which deserves our most serious consideration, that during the whole of the inquiry last year not a single question was asked by the leading Members of the Committee tending to obtain any accurate information of the naval force of other nations; and I cannot, after a laborious search through the whole index and appendix, find anything like a return—which might have been so easily obtained—of the actual state of the navies of France, Russia, America, &c.; and yet without this information how can any man venture to assert whether our own is unnecessarily large, or dangerously small? I repeat, therefore, that the whole question at issue is simply this—what are we to consider an efficient Navy? Is it to remain as it has hitherto been of a character so decidedly superior as to be able on all occasions to defend our coasts and commerce at home, and at the same time those widely scattered colonies and interests which demand protection in every quarter of the globe? Or is it by successive curtailments, and a parsimonious and paralysing policy, to be suffered to dwindle gradually down to a state of comparative inferiority? The French Navy consists at this moment of (about) 50 ships of the line, 50 frigates, and (towards) 100 armed steamers. The Russian of (about) 50 of the line, 25 frigates; and the United States 12 of the line, 14 frigates, making togethor a grand total of 112 of the line, and probably near 100 frigates, besides steamers. Now, Sir, our whole force last year according to the returns published by the Select Committee on the Navy Estimates consisted in round numbers of only (about) 70 ships of the line—of which near 20 are old, and of a very inferior description —55 frigates, 21 first class, 34 second class, and 124 steamers; whereas at the end of the year 1793, the first year of the French war, we had actually in commission 78 ships of the line, 101 frigates, with 76,000 men; further increased in 1794 to 89 ships of the line, 120 frigates, with 85,000 men; and yet any Gentleman who will take the trouble to read the naval history of that time, may see with how much difficulty our coasts and trade were protected, and what heavy complaints were made by our merchants of the losses they sustained from the enemy's cruisers during the first years of that war. At later periods of this war, we had to contend with Spain and Holland, as well as with most formidable coalitions in the north of Europe, and finally with America; and it is impossible to look back, without wonder and admiration, to the rapidity and decision of our naval operations on those critical occasions; but what would have been our situation if our force had been diminished in the manner now proposed by our financial reformers? Sir, why do I trouble the House with these historical recollections? I do so because they ought to reflect that what has already happened may again occur, and that it is their bounden duty, as the guardians of the national safety, as well as the national honour, to maintain, unimpaired in its efficiency, that force on which both must principally rely in the hour of danger. It is at this moment too low in amount; and the reduction of 3,000 men, small as it may sound, will deprive us, I fear, of the means of keeping up that squadron of exercise and instruction which, after so long an interval of peace, has become so urgently necessary for the service. We forget that without skill and discipline, even courage and numbers are of little avail, and that on former occasions—more particularly at the commencement of the wars in 1758 and 1778—we began our naval operations with such indecisive and unsatisfactory engagements, that the nation was thrown into a paroxysm of alarm and indignation, from which it did not recover for many months, and which produced the worst effect both at home and abroad. It was for the purpose of affording this important and indispensable instruction to the rising generation that a small squadron was fitted out during the Administration of the right hon. Baronet the Member for Tamworth, and which, although since too much diverted to other services, and not sufficiently employed in the manner originally contemplated, must nevertheless have been productive of considerable advantage; but it is now entirely broken up, and I fear the rigid rules laid down last year by the Committee preclude all hope of its revival. I have already troubled the House at considerable length, but it is necessary to say a few words on some very mistaken animadversions, which I have heard and read, with respect to our continuing to build new ships, while we have already so many in our arsenals which have never been at sea. As I have just proved, I hope, that our whole stock of ships is too low, I need not say much on this subject; but people in general are not sufficiently aware how fast these immense wooden fabrics deteriorate, even when laid up in our harbours with every possible care taken for their preservation. A steady perseverance in our building system is, therefore, absolutely necessary, and it is only to be regretted that the want of space in most of our dockyards, and the small number of our building slips, render it impossible to keep, as the French do, a large force on the stocks completely ready for launching, and much less exposed to decay, than when actually in the water. And it should also be recollected, that a considerable proportion of our ships being of old and objectionable classes, it is much better economy to replace them by new ones, than to incur a heavy expense in repairing them. I have thus endeavoured—although, I fear, very imperfectly—to counteract the effect of those bold but unfounded assertions which might, if left uncontradicted, have produced a dangerous impression on the public mind. I have, I hope, shown, that while the Navies of other Powers have been gradually increasing, ours, during the last twenty years, have been allowed to diminish; and if very great exertions had not been made by the late Administration to remedy this deficiency, our relative inferiority would have been greater than at any former period in modern times. I abstain, purposely, from entering into any further particulars, and will only, in conclusion, implore the Committee to persevere steadily in all the plans adopted by the right hon. Baronet the Member for Tamworth for the defence of the country, more particularly for the improvement of our dockyards, and their adaptation to the repair of our steam navy, without which its efficiency cannot be secured; and, finally, that the instruction of our rising generation of officers, on whose skill and experience the country must rely for its safety and protection on future emergencies, may not be neglected or postponed for the sake of some small and inadequate saving of expense.

Mr. HENLEY thought that the Government was in a difficult position; on one hand the country was calling out for reduction in no measured terms; on the other, in that House, the Irish Members were calling for a new establishment, for no other reason except that it would benefit Cork. He was sorry that the gallant Admiral the Member for Launceston had given some sanction to that proposal, at a time when they were all agreed that our establishments ought to be kept up as economically as possible. In his opinion, the multiplicity of our establishments was a great source of needless expense, which might be very much reduced; and the benefit to Cork was no reason for creating a new establishment The dockyard at Deptford cost 6,600*l.* a year, of which the wages amounted to 2,900*l.*, or about 18 per cent upon the expenditure. In the Portsmouth dockyard, the expenses of the establishment were 23,000*l.* a year, the expenditure 191,000*l.*, so that the expenses of the establishment were nearly 10 per cent upon the expenditure, which was certainly a large per centage upon the work done for the country. He thought they had too many of these establishments already, and that the work would be better done, and at less cost, if the number was diminished. He must say that there was certainly nothing in the present estimates to lead to the supposition that the Navy was neglected. No alarm need be felt on that score. The Government were the persons most fit to determine the number of men; but he must remark that they were now paying more for stores and wages in the dockyards than they were in 1843, and he should have been glad to see greater reduction than was proposed. The proportion of establishments and stores to the number of men was higher now than in 1814 or 1815, although the price of stores was infinitely greater then than now. That was a fair way of testing the economical management of the dockyards; and though he believed that the Government were taking steps in the right direction, he was satisfied that more might still be done without at all impairing the efficiency of our Navy. He protested against the increase of our establishments, and he had risen to make that protest in consequence of the calls which had been made upon the Government.

Admiral DUNDAS reminded the hon. Gentleman that the estimates for the present year included items which were not embraced in the expenditure of 1814.

Mr. HENLEY had taken care in his

comparison to omit those items which related to the victualling yards and the steam navy.

Mr. CORRY said, that he could not agree with the hon. Member for Oxfordshire as to the greater economy of our naval administration in 1814 and 1815. He had taken ten years preceding 1828, and calculated the average expense of the Navy during that period; and from 1818 to 1827 the cost of the Navy was 6,141,000*l.*; whilst from 1833 to 1838, it was 4,746,000*l.*; during the five years of the late Government it was 7,062,000*l.*; and during the three years of the present Government, 7,492,000*l.* So that from 1818 to 1827 it was 6,141,000*l.*; and from 1842 to 1846, 7,062,000*l.*; showing an increase of 921,000*l.* in the latter. But the House must look at the additional charges during the latter as compared with the former period. There were first the contract packets, 473,000*l.* Then the average number of men from 1818 to 1827, was 14,700 men; from 1842 to 1846, 39,600—making a difference of 85 per cent; and the additional cost upon an increase of 85 per cent in the number of men would be 779,100*l.*; in addition to which there were additional pensions to the amount of 83,000*l.*; making a total of additional burdens of 1,335,000*l.*, and as the excess of naval expenditure was only 921,000*l.*, it was clear that if the 1,335,000*l.* were added to the expenditure between 1818 and 1827, there would be now a decrease of 4,400*l.* Since that period, too, the steam navy had been created—steam basins constructed, and great alterations made in their dockyards, the expense of which ought to be added to that decrease. At all events, he had shown enough to prove that the management of naval affairs had of late years been more economical than it was formerly.

Viscount BERNARD thought that the hon. Member for Oxfordshire had very unfairly attacked hon. Gentlemen who had urged upon the Government the case of Cork harbour; the harbour of Cork was distant from the city, and a harbour of the utmost importance in case of war. It had always been so esteemed by naval officers, and on those grounds he was anxious to urge on the Government the propriety of carrying out, not any extensive alterations, but a few trifling improvements, which would not cost more than 30,000*l.*, in a harbour which was able to contain the whole Navy of Great Britain in perfect safety. The fortresses which defended that harbour were in a dilapidated state; and he hoped that the Government would not hesitate to incur the trifling cost which would make that harbour impregnable. He also begged to urge upon the attention of Her Majesty's Government the state of a harbour which had been much neglected—the harbour of Bantry, and also of the lighthouses on that coast. He hoped the Government would not be deterred by the opinions of a few Gentlemen opposite from placing the Navy in that position by which, in time of war, it might be able to maintain its supremacy.

Colonel SIBTHORP complained that the estimates had been brought on unexpectedly, it being supposed that the debate on the Irish Bill would occupy the whole evening. It was probably under this supposition that the hon. Member for Montrose, who had several Motions on the Paper, had vanished. It was probable that many Members of the Government were now donning their silk stockings and pumps, with a view to making their appearance in a more brilliant assembly. As economy was the order of the day, he thought there only ought to be three Lords of the Admiralty, instead of six; but he would not cut down the clerks a single sixpence. If he was too late to move that reduction, he would give notice to do so on the bringing up of the report. He had no wish to interfere with the efficiency of the Admiralty, nor would the reduction of the Board from six to three have that effect. He also thought it would be well to reduce the salary of the First Lord some ten or twenty per cent. The clerks, generally speaking, were ill paid.

Captain FITZROY was happy to bear his testimony to the fact that the Navy had never been in a more efficient state than under the late First Lord and the late Secretary to the Admiralty; whilst, at the same time, due attention had been paid to economy. He wished to know whether there was any improvement as tó the method of coaling the steam navy, for, considering that only 100 tons could be put on board in a day on the old system, it was desirable that some other mode should be adopted. Another question to which he wished to call the attention of the Government was with regard to the freight of specie. He thought it would be better if some arrangements could be made for altering the present practice.

Sir F. T. BARING was much obliged

to the hon. Gentleman for the handsome terms in which he had referred to the state of the Navy under the late Lord Auckland and his hon. Friend Mr. Ward. He was glad also to have the opportunity of bearing his testimony to the merits of his hon. Friend the late Secretary. He must say, that during the short time he had been at the Admiralty, he had never met with a more zealous public servant. The attention of his hon. Friend had been much given to the subject to which the hon. Gentleman first referred—that of coaling the steam navy; but he (Sir F. Baring) had been so short a time in his present office that he was not yet acquainted with all the details of it. He believed, however, that before long a new plan would be adopted. With respect also to freight of specie, the question was one of considerable difficulty, and he had not yet been able to come to a satisfactory determination upon it.

SIR H. WILLOUGHBY called attention to the great increase which had taken place under the head of No. 11 (new works). From 1833 to 1840, the average yearly expense was 95,000*l.*, but for the next years it had been 426,000*l.* He observed that 120,000*l.* was asked for towards the works at Keyham, and 15,000*l.* for the breakwater at Plymouth Sound. He observed from the estimates that 1,366,749*l.* had been already voted towards that breakwater, and 1,464,646*l.* had been expended? He wished to know how it happened that the expenditure had exceeded the sum voted? In the evidence given before the Select Committee it was stated that the powder magazine was to be removed at a great expense, and that the new site had not been resolved upon. He thought it would be time enough to vote that item when the site was fixed upon.

SIR W. MOLESWORTH said, he must oppose the vote for steam docks and steam basins at Keyham, and call the attention of the Committee to the manner in which Parliament had been systematically misinformed with regard to the extent and intended cost of these works. In the Navy Estimates of 1844, Parliament was informed that certain works were to be commenced at Keyham; those works were to cost 400,000*l.*; and, on the faith of this estimate, Parliament voted 30,000*l.* On the 25th September of the same year, a gentleman of the name of Baker, a contractor, proposed to the Admiralty a plan of operations at Keyham. The Admiralty, in a letter, dated September 30, approved of that plan. It required the expenditure of 713,000*l.*, for the completion of a portion only—not of the whole—of the intended works; and the Admiralty entered into engagements with Mr. Baker to that effect. In virtue of these engagements, the Secretary of the Admiralty had stated, that Parliament was pledged to expend this year, at least, 120,000*l.* at Keyham. Nevertheless, the next estimate presented to Parliament, in 1835, was only for 675,000*l.* Now, the Admiralty must have known, at that moment, that the whole of the works in contemplation at Keyham could not be completed for less than twice that sum; yet, in 1846 and 1847, the same estimate of 675,000*l.* was laid before Parliament; at length, last year, the estimate was increased to 1,225,000*l.* The Navy Committee, however, discovered that an important item had been omitted from this estimate; and now they were told that 1,322,627*l.* would be the sum required, or above three times the original estimate. Without doubt, the Committee will suppose that this increase on the estimate had arisen from the works at Keyham having been extended beyond what was originally intended. Nothing of the kind; on the contrary, the hon. Gentleman the late Secretary for the Admiralty told the Navy Committee, "that the scale upon which the Admiralty would propose to open Keyham would be less than half that laid down in the plans which they found traced out by the previous Government." He likewise told the Navy Committee, that it was originally proposed to have two basins and three docks at Keyham, and that the present Government had struck out one of the docks. It was evident, therefore, that from the year 1844 to 1848, Parliament had been regularly misinformed with regard to the extent and intended cost of the works at Keyham. It had, however, been said, that the works which were estimated in 1844 at 400,000*l.*, were different from those which are now to cost more than 1,300,000*l.* How did they differ? Precisely in the same manner as the foundations of a house differ from the whole house when completed. The foundations of a house were useless, unless the house be built; so the works of 1844 would have been useless without the subsequent works? But why was not Parliament informed in 1844 of the necessity of those subsequent works? why not furnished with an estimate of their intended cost? What, he asked, would hon. Members think of an architect, who, being employed to furnish an estimate for a house, should merely state the cost of the foundation, and, by so doing, should lead his employer to believe that for the sum so stated the house could be built, and should thus induce him to commence a building disproportionate to his wants? This had been exactly the conduct of the Admiralty with regard to Keyham. If in 1844, instead of informing Parliament that 400,000*l.* would have to be provided for works which were about to be commenced at Keyham—if the Admiralty had plainly stated that it would be useless to commence these works unless Parliament were prepared to expend 1,300,000*l.* upon them, what would have been the consequence? In all probability, Parliament, knowing that there were costly works connected with the steam navy in progress at Woolwich and Portsmouth, would have hesitated to commence far more costly ones at Keyham—would have required more information, and, perhaps, have referred the question to a Select Committee; and if the Committee had been like the Navy Committee of last year, the works at Keyham would never have been commenced; for the Navy Committee reported, that, if those works had not been commenced, they would have had no hesitation in recommending Parliament to withhold its sanction from those works. There was no doubt that great blunders had been committed with regard to the works at Keyham. First, they were on the lee shore, and, therefore, exposed to the prevailing winds, instead of being on the weather shore, and sheltered from the prevailing winds. It was, however, a strange fact that all our dockyards were upon the wrong shore. Secondly, there was not a sufficient depth of water at Keyham. The bottoms of the basins were to be twenty-two feet below low-water mark, but the entrance to them was five hundred feet from low-water mark; therefore the largest class of steamers would only be able to enter the basins at spring tides. To remedy this defect, it was proposed to cut a channel through the mud, and to endeavour to keep it open by constant dredging. Third, the entrance to the basins being at right angles to the current of the stream, large steamers would run the risk of considerable damage in entering, unless they entered at the top of the tide, that is, at slack water. Fourth, the basins were to be extravagantly large; the two would cover above sixteen acres, and therefore would easily contain between fifty and sixty steamers of the largest size; that was about three millions' worth of steamers. What possible use could there be for such enormous basins, when there was such a harbour as the Hamoaze at hand? Fifth, these works were prematurely undertaken. In 1844, works connected with the steam navy were in progress at Woolwich and at Portsmouth. Parliament, as usual, was misinformed that they would be completed for 100,000*l.*; since then about 400,000*l.* had been expended upon them. Now, the Admiralty should have waited till these works were completed, and then, if experience had proved their expediency, works of a similar character might have been constructed at Devonport for about a third of what Keyham will cost. Sixth, all these works were undertaken partly in consequence of a most ludicrous miscalculation of the pecuniary benefits to be derived from them. It was calculated, that by means of these works, steam vessels could be repaired for about 25 per cent cheaper than by contract. From this calculation, the cost of the works and of keeping them in repair was omitted. Now, it would be easy to show that the interest of the money so expended, and the cost of keeping the works in repair, would be nearly equal to the whole cost of repairing the steam navy by contract. Therefore, instead of a saving of 25 per cent, there will probably be a loss of 75 per cent by this mode of repairing the steam navy. Let him warn the Committee against ever believing any statement made by the Admiralty or by the Ordnance, or by any other public department, of the cost of any work performed by them, for they invariably omitted from their calculations about one-half of the elements of the cost. It was evident, therefore, that these works at Keyham had been begun in the most thoughtless, reckless, and unbusiness-like manner. They were, however, but a specimen of a system which has been pursued for years both by the Admiralty and the Ordnance. The waste of public money was most deplorable. 500,000*l.* had already been expended on Keyham; to complete these works a further sum of 800,000*l.* was the estimate. If they were completed for that sum, Parliament might rejoice at the lucky termination of works which ought never to have been commenced, and which would cost nearly as much as the great national undertaking of the breakwater at Plymouth. To prevent such occurrences in future, it was worthy of consideration whether there should not be a board of public works, to which all plans and estimates, both of new works and of alterations of old works, should be submitted, which should be responsible to Parliament for the accuracy both of plans and estimates, and without the full report of which board as to the nature and probable cost of an intended work, no estimate for works should ever be presented to Parliament. If there had been such a rule in 1844, Parliament would not, by voting 30,000*l.* on an estimate of 400,000*l.*, have unwittingly pledged itself to works costing 1,300,000*l.* With regard to these works at Keyham, it still appeared to him that the wisest plan would be to stop them, and to pay a forfeit to the contractor; by so doing there would probably be a saving of 700,000*l.*; he, therefore proposed to the consideration of the Committee a reduction of 120,000*l.* on this vote.

Mr. CORRY said, that as he was in office at the Admiralty when the works at Keyham were undertaken, he was enabled to afford the House some information on the subject. The hon. Baronet the Member for Southwark had proposed in the Committee on the Navy Estimates that a stop should be put to these works, but his proposition was supported by only one hon. Gentleman the Member for the West Riding; and he (Mr. Corry) therefore hoped that the Committee of the House would support the Committee upstairs in their decision, by rejecting the hon. Baronet's Amendment. The hon. Baronet had said, on a former occasion, that the Admiralty, under the pretext of making economical repairs, were squandering large sums upon the works at Keyham. Now, these works were undertaken solely in order to maintain the efficiency of the steam navy in time of war, when, he maintained, they would be absolutely necessary to the safety of the country. It must be obvious to every one acquainted with naval affairs, that if there were any part of the coast where it was essential to have basins and docks, and other means of repair for steam ships, that place was Devonport. As a great part of our naval force would be required in the event of war for protecting the coast of Ireland, or for blockading the western coast of France, Devonport was the nearest point at which provision could be made for its repair, and that port was also the first that could be made by steam vessels returning in want of repairs from any foreign station, with the single exception of the Baltic. He admitted that a majority of the Select Committee had expressed the opinion that if the works at Keyham had not been commenced, they would not have recommended that they should be undertaken; but, with all deference to the Committee, he would rather rely on the opinion of Gentlemen who had much more acquaintance with matters of this kind than the Members of that Committee could possibly possess. Mr. Ward, the late Secretary at the Admiralty, nearly all the naval Lords of the Admiralty, the late Lord Auckland, Admiral Bowles, Mr. Sidney Herbert, many engineers, and, indeed, all the witnesses examined before the Committee, with only one exception, he believed, had urged the necessity of establishing extensive works for the repair of steam machinery and steam-ships at Devonport. It had been said that the works might have been commenced on a small scale; but he considered that there could be no worse economy than to commence important works of this kind on a small scale. In 1838 an establishment for the repair of steam vessels was made at Woolwich on a small scale, and in five years it proved to be wholly insufficient, and it was found impossible to alter the works so as to form part of a large engineer establishment, and considerable loss to the public was the consequence. The hon. Baronet had given a most exaggerated account of the capabilities of the basins at Keyham. It was true that the basins were very extensive, but this arose from the necessity of having space for bringing the ships alongside the wharfs, that they might be placed under the shears to receive the immense weight of boilers and machinery to be put on board them; and, so far from those basins having been constructed on an extravagantly large scale, it was in evidence that they were only about one-third larger than the basin at Portsmouth, and he had lately been informed by a most intelligent officer of that yard, that so far from the basin there being found to be unnecessarily large, the only mistake had been in not making it larger; and it was the duty of the Government, in undertaking new works, to take care that sufficient accommodation was provided. The hon. Baronet had said that a gross blunder had been committed in placing the works at Keyham on the lee shore; but as the dockyard was on the lee side of the harbour, it was deemed advisable, for obvious reasons, to place the basins on the same shore. The hon. Baronet was also entirely mistaken in his statement respecting the depth of water, for he (Mr. Corry) would state, on the authority of the engineer officer in charge of the works, that the channel would be kept perfectly clear without having recourse to dredging. Although he admitted it was desirable that Parliament should have as full information as possible as to the extent to which it was intended to carry new works, yet it was very difficult on commencing a great undertaking of this kind to determine upon details, so as to make a satisfactory estimate. During the progress of such works various enlargements or alterations might appear necessary; and if in 1844 the Admiralty had laid before Parliament a full estimate of the works at Keyham, they would have been deceiving the House, for it was then impossssible to foresee what extent of accommodation the growth of the steam navy might ultimately require. He denied, however, that the Government, in the course they had taken, had any intention of deceiving Parliament, for their estimates had not pretended to provide for the whole work, but for particular portions of it, which were specified, and for which the sum stated to be required would amply suffice. The increase in Vote No. 11 had been noticed, but that increase was caused by the same circumstance which had led to the increase of many other heads of the Navy Estimates—by the necessity of providing for the maintenance and repair of the steam navy. Another cause of the increased expenditure for works in the dockyards was this—when the late Board of Admiralty came into office, they found the dockyards in a state of dilapidation; they considered it their duty to place them in an efficient condition, and hence considerable expense had been incurred; but he believed that the expenditure which had thus been occasioned had been attended with results most advantageous to the public service.

Sir W. MOLESWORTH denied that he had made any mis-statement of the nature which the hon. Gentleman had attributed to him.

Mr. COBDEN said: Mr. Bernal, I beg to inform the hon. Member who spoke from the opposite benches that the Committee which sat last year upon the Navy Estimates did nothing more than recommend that the contracts already entered into by the Government should be completed. The Committee did not know whether this sum of 120,000*l.* was all that was required to complete the works at Keyham. But my hon. Friend the Member for Southwark is quite right in moving his Amendment, because I think that it is high time for a plan of these works to be laid before Parliament, and as yet we have had none. The right hon. Member for Tyrone is an advocate for the method of getting money in advance, and for postponing the plan; but I hope this system will never again be adopted, for it is a most disgraceful one. As to the necessity for constructing a steam basin at all in this spot, the Committee of last year came to a resolution that there were already steam basins enough, and that, if Keyham basin had not been begun, it ought never to have been undertaken. There are ample basins enough at Portsmouth and Chatham, where there are, at each place, large establishments. These are quite enough to provide for the repairs of steam-ships during a great war. But there is now no great war. All those preparations seem to be made in anticipation of such a struggle as that which took place at Trafalgar. Is this, may I ask you, a wise policy to pursue with reference to your taxpayers ? For my own part, I deny that it is good policy to construct such works at all. The private steam-ship builders have no steam basins. Napier has none at his works. All that he has is a wharf on the Clyde, where his steamers are brought alongside to have their boilers taken out or put in. The right hon. Gentleman the Member for Tyrone has said, that you must estimate the expense and size of the steam basin at Keyham by the extent of its wharfage. If so, why is there any basin at all ? Why, you had much better have constructed a sea wall, alongside of which your steam vessels could have ranged, in order to have their engines put in and taken out, as is practised in all the private manufactories. But all these great works are, in my opinion, only so many schemes for expending and idly wasting the public money. And my belief is, that if the Government had a California or a Peru to go to, instead of having only the pockets of the people to tax, they could not have shown a more reckless degree of extravagance. Here now, in this very estimate, is a sum of 97,000*l.* for removing a powder magazine; and you are told that it is necessary for you to have this great store of powder—no less than 47,000 barrels, in order to be provided against the chance of a great war. But is it necessary for you to be thus provided ? In fact, there are 90,000 barrels, and this additional store of gunpowder is, in my opinion, utterly useless. The only remedy that I perceive to this most extravagant course is, for the electors of this country as a body to declare that it is far more dangerous for the country to be subjected to such an expense than for it to have to encounter the risk of a great war.

Mr. HENLEY expressed his surprise that no Member of the Government should have thought it necessary to explain this vote; for there was nothing by way of explanation in the estimate itself which seemed to bring it within the recommendation of the Committee of last year. The Committee recommended that the works contracted for the construction of a coffer-dam should be continued, but that no progress should be made in building factories till the Navy Estimates of 1849-50 should have been submitted to the House. Now, as far as he could gather, part of the expenditure seemed to be on account of factories. It appeared to him, that in accordance with the recommendation of the Committee of last year, which was founded on good sense, that, so far as the Government were bound by contracts, the works should be continued; but that they should not go beyond that without the concurrence of Parliament; and he thought some explanation due from the Government as to how far this recommendation had been acted on.

Sir F. T. BARING said, that the reason he had not risen before was, that as these arrangements were made not by him but by former Boards of Admiralty, he thought the right hon. Gentleman the Member for Tyrone, who had formerly been Secretary to the Admiralty, the proper person to give an explanation respecting them. With regard to the recommendation of the Committee of last year, to which the hon. Member for Oxfordshire referred, that was carried out strictly by the Government, and the present vote was in conformity with that recommendation. He was aware that there would be differences of opinion as to the expediency of commencing such an outlay; but though it might seem large, he had heard from authorities well worthy of attention that this establishment, when formed, would be of great value in case of war; and the question was whether, having expended a considerable sum on the works, they would throw that all away, or proceed in carrying those works into completion. The money he now asked for was money required under existing contracts, and he believed the contracts went further than the sum he wished the Committee now to vote. If the Amendment were carried, the works would be stopped, and all previous expense rendered useless, and a considerable sum besides must be paid to the contractors for not carrying out the contracts. His hon. Friend the Member for Southwark had not brought forward an Amendment like the present last year, under the idea, no doubt, that the country was bound by contracts; but, having then allowed the works to go on, would it be wise in his hon. Friend now to stop them?

Mr. HENLEY inquired what portion of the 120,000*l.* would be required to complete the works which the Committee of last year recommended, and how much further the Government was bound by existing contracts?

Sir F. T. BARING replied that the whole sum was required under the contracts.

Mr. HENLEY thought that after the recommendation come to by the Committee of last year, the estimate on its face should clearly show that the expenditure was to be limited to that particular branch of works within the recommendation of the Committee.

Sir F. T. BARING repeated that the Government had carried into effect the recommendation of the Committee.

Captain BERKELEY, in reference to the argument used by the hon. Gentleman the Member for the West Riding, that it was not necessary for the Royal Navy to have a steam basin, because there was no such thing as a steam basin for the mercantile navy, requested the hon. Member to look to the East and West India Docks, and see if there were no steam basins there.

Mr. PETO said, he had examined the works at Keyham, and there would have been, in his opinion, no difficulty in having a close estimate of the total outlay before the commencement of the works. He never saw a position in which works were placed on a better foundation, and in respect to which fewer contingencies existed, and therefore it was inexcusable in any Government undertaking such works without the most accurate previous information.

Mr. COWPER explained that the sum of 120,000*l.* proposed to be voted would be applied to the works connected with the coffer-dam, according to the recommendation of the Committee of last year.

Mr. COBDEN observed, that what he had stated was, no private steamboat builder had a basin for the purpose of putting steam engines and boilers on board ship; and he repeated that statement. Take the case of Napier, of Glasgow. [Mr. Corry: He has a "nook."] And the Government had plenty of nooks at Portsmouth, and other places. He wanted the Government to act and calculate as private persons did.

Mr. J. B. SMITH thought that a very small sum might be necessary to complete a sea wall, and the making of docks and basins might be reserved till some future opportunity; and great expenditure might be saved by rendering it unnecessary to remove the powder magazine.

Motion made, and Question proposed—

> "That a sum, not exceeding 391,934*l.*, be granted to Her Majesty, to defray the charges of New Works, Improvements, and Repairs in the Naval Establishments, which will come in course of payment during the year ending on the 31st day of March, 1850."

Afterwards Motion made, and Question put—

> "That a sum not exceeding 271,934*l.*, be granted to Her Majesty, to defray the charges of New Works, Improvements, and Repairs in the Naval Establishments, which will come in course of payment during the year ending on the 31st day of March, 1850."

The Committee divided:—Ayes 27; Noes 101: Majority 74.

List of the Ayes.

Aglionby, H. A.
Blewitt, R. J.
Bright, J.
Brotherton, J.
Clay, J.
Clifford, H. M.
Duncan, G.
East, Sir J. B.
Fox, W. J.
Gibson, rt. hon. T. M.
Hastie, A.
Henry, A.
Heyworth, L.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Locke, J.
Mitchell, T. A.
Mowatt, F.
Perfect, R.
Peto, S. M.
Pilkington, J.
Smith, J. B.
Sullivan, M.
Thompson, Col.
Williams, J.
Wood, W. P.

TELLERS.
Molesworth, Sir W.
Cobden, R.

List of the Noes.

Abdy, T. N.
Adair, R. A. S.
Anson, hon. Col.
Armstrong, R. B.
Arundel and Surrey, Earl of
Baines, M. T.
Baring, rt. hon. Sir F.T.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Boldero, H. G.
Bromley, R.
Buller, Sir J. Y.
Carew, W. H. P.
Clive, H. B.
Coles, H. B.
Compton, H. C.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cowper, hon. W. F.
Craig, W. G.
Dod, J. W.
Dodd, G.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzroy, hon. H.
Floyer, J.
Fordyce, A. D.
Freestun, Col.
Glyn, G. C.
Goddard, A. L.
Gordon, Adm.
Grenfell, C. P.
Grenfell, C. W.
Gwyn, H.
Hanmer, Sir J.
Hay, Lord J.
Heneage, G. H. W.
Henley, J. W.
Herbert, H. A.
Hobhouse, rt hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Hope, Sir J.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Keppel, hon. G. T.
Lascelles, hon. W. S.
Lewis, G. C.
Lindsey, hon. Col.
Littleton, hon. E. R.
Martin, C. W.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Miles, P. W. S.
Miles, W.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Mundy, W.
Paget, Lord C.
Portal, M.
Price, Sir R.
Pryse, P.
Rawdon, Col.
Renton, J. C.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, Sir J.
Rushout, Capt.
Russell, Lord J.
Rutherfurd, A.
Seymour, Sir H.
Simeon, J.
Smith, J. A.
Somers, J. P.
Somerville, rt.hn.Sir W.
Stanton, W. H.
Thicknesse, R. A.
Thornely, T.
Tollemache, hon. F. J.
Tollemache, J.
Townley, R. G.
Verney, Sir H.
Wawn, J. T.
Westhead, J. P.
Willyams, H.
Willoughby, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.

TELLERS.
Tufnell, H.
Parker, J.

Original Question put, and agreed to.

The vote for 27,605*l.* for medical stores was then agreed to; as also was a vote of 68,400*l.* for miscellaneous services.

On the next vote, which was for 232,252*l.* to complete the sum necessary for the charge of half-pay to officers of the Navy and Royal Marines,

Mr. MILNER GIBSON observed, that it had been stated that he had drawn an improper comparison between the number of officers in the British Navy and in the navies of France and the United States, and had not explained the circumstances which caused the number of officers in the British Navy to be as great as they were. He had stated a fact which was not denied, and the object of that statement was, to call the attention of the Government to the necessity of bringing the number of officers within proper limits. He had excellent authority on this question, namely, that of a very distinguished officer in the British Navy, who said that the number of officers in the British Navy should bear some sort of proportion to the work to be done; and if any circumstances caused the number to be greater than it ought to be, steps ought to be taken to bring it within proper limits. The officer he quoted was Sir James Stirling; he said, you have got 8,000 officers, and you only want 4,000; you are keeping up an excess of officers over and above what is necessary for the work to be done, equal to the keep of 20,000 able seamen. That was his statement before a Committee of the House of Commons. The consequence of keeping up many more officers than was necessary was, that you constantly found young men in the prime of life going about complaining to all their friends that they could not get a ship, and could not get employment; and when you put a man in command of a ship, you sent one who, perhaps, had been on shore for a number of years, and had not acquired skill in his profession.

Sir F. T. BARING said, that his hon. Friend the Member for Montrose had given notice of a Motion upon that subject; and it appeared to him (Sir F. Baring) that it would be better to postpone the discussion with respect to it until that Motion should have come under their consideration.

Sir H. WILLOUGHBY wished to call the attention of the Government to the impolicy of appointing so many cadets while the officers were so little employed. He found that from 1833 to 1840 they had averaged 104 a year, and during the last eight years they had averaged 150.

Sir F. T. BARING said, that the late Lord Auckland had thought that the number of cadets ought to be limited to 100, and had issued an order for so limiting them. That order would henceforward be complied with.

Mr. HENLEY wished to know whether the right hon. Baronet the First Lord of the Admiralty was desirous that they should pass the votes that evening, and postpone the discussion of them to some other occasion?

Sir F. T. BARING said, that the vote then under their consideration was for the payment of half-pay to which officers were already entitled. He could not, therefore, see how the Committee could refuse to sanction the vote.

The vote was then agreed to.

The following votes were also adopted:—

300,561*l.* for military pensions and allowances. 61,357*l.* for civil pensions and allowances. 147,200*l.* for the freights of troop ships, and the victualling and conveyance of troops and stores.

A vote of 748,296*l.* having been proposed for the charge of the Post Office packet service,

Mr. FLOYER said, the item for conveyance of mails between Southampton and the Channel Islands had been increased from 2,000*l.* to 4,000*l.*, which he thought required some explanation. It had been generally supposed that the object of changing the port of departure from Weymouth to Southampton had been to save expense. The fact, however, was, that the passages from Weymouth to the Channel Islands were performed with greater rapidity than from Southampton; and the people in the Channel Islands wished the mails to be sent through that port rather than Southampton. If the new route was attended with more expense, and occupied more time, it was certainly desirable that the old route should be retained. At all events the increase required explanation.

Mr. COWPER explained that the increase from 2,000*l.* to 4,000*l.* was owing to the contractors who carried the mails having given notice to terminate the contract. The contract was advertised, and the only parties who tendered were the parties who had it before, and their tender was 4,000*l.* The Government had, under these circumstances, no other resource. When Weymouth was the port of departure, the Government employed their own packets; but the parties who had taken the contract preferred Southampton, because they had their establishments there. There were certainly reasons for thinking Weymouth a better port for embarkation than Southampton; but as the contract was in the hands of a private company, the Government were not at liberty to select the port. At all events, whilst the present contract endured, Southampton must be the port of departure.

Mr. FLOYER inquired whether any opportunity had been given to the port of Weymouth to send in a contract for this service?

Mr. COWPER replied, that tenders had been called for by public advertisement. The new breakwater at the Isle of Portland had since been finished, and it would give Weymouth an advantage.

Mr. FLOYER: Then we may still hope that Weymouth may be the port of departure?

Mr. COWPER said, the subject would receive consideration at the proper time.

Sir T. ACLAND inquired what was the remaining term of the contracts for the packets to Alexandria and the West Indies?

Mr. COWPER said, they might be terminated on the 1st January, 1853.

Mr. MONSELL asked if the Government had considered the importance of appointing some port on the west coast of Ireland as the port for the arrival and departure of the North American mail steamers?

Mr. COWPER said, that as the present contract for the conveyance of the North American mails had not terminated, the Government had not been able hitherto to give the subject mature consideration.

Mr. COBDEN thought that the vote for the Post-office packet department ought not to pass without a word, in order that the country might know why no profit appeared. It was evident that many of these charges would never have been undertaken as a matter of profit. He found here a charge for carrying the mails between Alexandria and Beyrout; a charge for the mail from Singapore to New South Wales; from Suez to Calcutta, 64,000*l.*; from Ceylon to Hong-Kong, 45,000*l.* The charge for carrying letters between this country and the West Indies was 240,000*l.* a year. How could we undertake to pay 240,000*l.*, when the whole gross proceeds would not amount to one-fourth of that sum? It must be from totally different motives than letter writing, because letter writers had no reason to expect that Government could be conveyers at a cost four times the amount of postage. This was calculated to injure our postage reform, and prevent its adoption by other countries.

Sir F. T. BARING said, that the arrangements respecting the West India packets had been made before the penny postage reform took place. The Government found it necessary to complete the communication between the mother country and her various colonies; but it appeared that it was now contended that such communication should be limited to the mere postal necessities of the country. He could not consent to look at the question as one merely of the amount of balance that might be left at the end of the year; nor did he think that, because those expensive communications between England and the colonies absorbed a considerable portion of the income derivable from postage, that that fact was to be taken as an argument against postage reform.

Mr. COBDEN was as willing as any man to admit the advantages of Post-office communication with every part of the world, but if no reference was had to the number of letters passing between the mother country and a colony, they might, according to the right hon. Gentleman, at once start a line of steam communication between this country and New Zealand. He held that the accommodation provided should have reference to the amount of business and the number of letters. He said this in justice to the whole community of taxpayers.

Mr. HENLEY said, that the expenditure complained of had been mainly caused by the necessities and requirements of the commercial classes. It was the object of giving increased facilities to commerce that had induced Government to set up such expensive modes of communication. At the same time he admitted that the management of the Post Office was a question that required looking into.

Mr. BRIGHT explained that what his hon. Friend the Member for the West Riding had said was, that it was not fair that 240,000*l.* should be put down for letters, which speaking fairly could only cost 60,000*l.* The hon. Gentleman's principle was more extravagant than that of his hon. Friend, because according to his plan there should be a post-office in every house instead of every town. His hon. Friend was anxious that nothing should be done to prevent the proof of the success of the penny postage, in so far as their islands were concerned. If these charges were all put upon the Post Office, foreigners would think that the principle had failed, whereas every one in this country must admit that no reform had ever been effected more important than that which had been suggested by Mr. Rowland Hill, and carried into operation by the present Government. He believed that the country was sincerely grateful both to Mr. Hill and the Government for their conduct in the matter.

The CHANCELLOR of the EXCHEQUER observed, that the penny postage had no connexion whatever with steam navigation; but as the former had been mentioned, he might be permitted to say, that looking at the result of the penny postage, no experiment could have been more satisfactory than it had proved. The number of letters passing through the Post Office had greatly increased, nay, had actually doubled. In any fortnight of the present year, compared with the corresponding fortnight of any year before the postage was altered, it would be found that the proportion was as 6,000,000 to 3,000,000, and that this advance had proceeded equally in England, Scotland, and Ireland. Whether the increase of the packet service abroad happened to be large or small, was a matter that had nothing to do with the penny postage.

MR. HENLEY said, that the object of Mr. Rowland Hill, in the introduction of the penny postage, was to extend the delivery of letters and to increase the number of letters passing through the Post Office as much as possible. The change had been important and valuable. It certainly was one which ought not to be measured by its expense; neither, he thought, should the packet-service be measured by its expense.

SIR J. DUCKWORTH said, that as the contracts for sending the mails from Southampton would soon expire, and as railways had effected a great change in all internal communication throughout this country, he did hope that fair consideration would be given to such tenders respecting the packet service as might, when the contracts became open, proceed from the ports of the West of England. Those ports should at least enjoy an opportunity of sending in their tenders.

The vote was then agreed to.

A vote of 12,688*l.* was then proposed to defray the expenses of the *North Star*, for taking out supplies to those engaged on the Arctic expedition.

Vote agreed to.

Resolutions to be reported on Wednesday.

The House adjourned at a quarter after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, May 1, 1849.

MINUTES.] PUBLIC BILLS.—1ª Poor Laws (Ireland) Rate in Aid.

PETITIONS PRESENTED. By the Bishop of Exeter, from Torrington, and other Places, that Article 11, Sect. 3, Cap. 2, may be Expunged from the Criminal Law Consolidation Bill.—By Lord Monteagle, from Leitrim, for an Alteration of the Poor Law (Ireland); also that the Landed Property of Ireland may be relieved from the Repayment of any Portion of the Money advanced for Public Works.—By Lord Redesdale, from Moneymore and Muff, against the Rate in Aid (Ireland) Bill.—By the Bishop of Llandaff, from Colebrooke, and other Places, for the Suppression of Seduction and Prostitution.—By the Earl of Warwick, from Northampton, and other Places, against the Navigation Bill.—By the Bishop of Waterford, from Waterford, for an Efficient and Comprehensive Health of Towns Bill (Ireland); also for the Establishment of an accurate Registry of Births, Deaths, and Marriages in Ireland.—By the Bishop of Gloucester, from Wiltshire, against any Alteration of the Law of Marriage.—From Yealmpton and Tristow, that the Educational Grant may hereafter be Dispensed according to certain Conditions.

CRIMINAL LAW CONSOLIDATION BILL—THE CLERGY.

The BISHOP of EXETER presented a petition from a very respectable body of clergymen in his diocese on a subject of very great interest to the clergy of the Established Church in general. It related to a Bill which had recently been introduced by his noble and learned Friend on the opposite benches for the consolidation of the Criminal Law, and prayed that the penalty of *prœmunire*, which was very vague and almost unintelligible, might be exchanged for something distinct and practical. As affairs were now conducted, it was really impossible for any man, either lay or clerical, to state what the law of *prœmuire* was; for the Court of Queen's Bench on a recent occasion (namely, the case of the Queen *v.* the Archbishop of Canterbury) had been equally divided upon it. Two learned Judges in that Court had expressed opinions diametrically contrary to those expressed by two others; and thus a motion of great importance had been refused, because in all such cases, when the Court was equally divided, the motion was considered as decided in the negative. His noble and learned Friend, in his Bill for the digest of the law, said nothing on this subject either on one side or the other. Now, it would be satisfactory to the House, and to the petitioners, and to the country in general, if his noble and learned Friend would say that it never was his intention to leave the law in such a condition, and if he would introduce some words into his Bill of a declaratory character.

LORD BROUGHAM was anxious to remove all doubts upon this subject, by exchanging the words, of which the petitioners complained, for some others which might hereafter be agreed on. His Bill intended to leave the law on this subject exactly as it found it. He fully concurred with what his right rev. Friend had said, namely, that there had been no decision on this subject in the case recently before the Court of Queen's Bench. That case was quite as undecided as if it had never been in the Court at all. It would be expedient, however, before his Bill was passed, that Parliament should apply itself to the consideration of the law of *prœmunire*, and that it should not leave it in a state which was an opprobrium to the country.

The BISHOP of EXETER concurred with Lord Brougham in thinking that the present condition of the law on the subject was an opprobrium to the country. On every occasion of the confirmation of a bishop, it was doubtful, first, whether an archbishop was not guilty of a dereliction of his duty if he did not make a stringent inquiry into the qualifications of the bishop about to be confirmed; and, secondly, whether he was not infringing on the prerogative of the Crown, if he ventured to carry out such an inquiry. He threw out, as a mere suggestion—for he would not make a Motion to that effect—that it would be desirable for the House, before it came to a decision, to ask the opinions of the learned Judges on this subject.

LORD BROUGHAM concurred in the propriety of the suggestion.

Petition laid on the table.

RAILWAY ACCOUNTS.

LORD BROUGHAM: I rise, my Lords, to bring under your consideration a subject second to none which ever yet engaged the attention of Parliament, in its magnitude and its great national importance—I mean the Railway concerns of this country, producing a vast mass of commerce, involving a prodigious investment of capital, causing a great entanglement of credit, and, though leading in their remote consequences to immense national advantages, and though connected ultimately with mighty improvements in our social condition, yet in their present position and in the stage at which they have now arrived, deserving the most cautious and mature deliberation both of Government and Parliament, because in their present aspect, whatever may be the value of their ulterior results, whether they may end in benefiting or in ruining the country, they fill every reflecting man with no slight, nay, with most serious apprehensions. If there be any persons, my Lords, who take blame to themselves and look back with self-reproach to their indifference in former years on this subject—if there be any persons who were then blind to the dangers which beset the path of Parliament—who were insensible to the possible evils of the course of legislation which we then pursued—who were callous to the appeals made to their feelings, moral as well as political, on the subject of the gambling mania which then infected all classes of the country from the highest to the lowest—who shut their eyes to the risk that the nation incurred from panics in the money-market and from disasters in the commercial community—and who, because they did not perform their duty by giving warning of such results, rendered Parliament as it were an accomplice in their offences—I have the satisfaction of reflecting that I am not in the number of those persons. For I, backed by a noble and illustrious Duke, who is now absent, early in the day, indeed so long ago as the years 1838 and 1839, denounced this state of things, and with another dear and lamented friend of mine, whom I can no longer hope to see in his place, the late Lord Ashburton, we two warned Parliament not to encourage this madness of gambling, and warned the country to stay in its progress to destruction by not making itself a party to that disease. But those warnings, my Lords, were given in vain. We have now these Railway Bills presented to us daily, and are expected to pass them as matters of course. We have suffered those Bills to pass into law almost without examination, and we have established in all directions these public nuisances, these gambling companies, which, by a euphuism, we mildly call Railway Companies. We have suffered them to arrogate powers to themselves, without which they never could have absorbed the capital of the country. We have given them the most extraordinary rights and privileges, and immunities, and, above all, the most extraordinary powers to deal with private property. I am not now speaking of the power of requiring returns of the profits of their lands from private individuals, which is a great nuisance, and a great oppression upon them; but I am speaking of public bodies enjoying transcendental powers far beyond that—a power, too, given by Acts of the Legislature. Not only have those bodies power to interfere with lands strictly settled—not only have they power to obtain lands fettered by the wills of the dead, and by the settlements of the living—not only have we allowed lands, which the ordinary courts of law could not by any stretch of jurisdiction convey from the rightful occupiers, to be transferred to those bodies in fee-simple, but we have even allowed them to establish their works, and to make their roads, and to drive their engines, through the private grounds of individuals, not one acre of which they could touch by law; and we have set all private rights at defiance that railways may go through our noblest properties, usurping the place of the harrow and the plough, and rendering the surrounding country hideous and uninhabitable. Why have we done all this? Because we have adopted the principle that all private interests must give way to the public advantage; and hence the monopoly of transcendental power which Parliament deemed itself justified in granting to these companies. But Parliament has done worse and has gone further than this. We have given them powers which enable these joint-stock companies to obtain subscriptions to an enormous amount for their own purposes—subscriptions which not one of them would ever have obtained but for the sanction of Parliament. All the writers on that branch of political philosophy, which is sometimes decried and sometimes extolled under the name of political economy, have contended, and justly, that there are some advantages in the joint-stock companies, when they are not established for the purpose of monopoly, but only are enabled to borrow capital for the erection of their works which they could not otherwise obtain for that purpose. But all authorities join in saying this, that great care should be taken that you do not seduce into those establishments more of the small capitalists of the country than its general interests, agricultural, trading, manufacturing, and commercial, require, and can afford. But as everything was to be sacrificed to the one thing needful, namely, rapid locomotion—as the old established mode of travelling at the rate of ten miles an hour, with comfort and convenience to Christian men, and at their own time of commencing and closing their journeys, reposing when they pleased, at comfortable inns, which are all now either destroyed or ruined—as that old established mode of travelling was to be exchanged for a system by which you are cooped up in a box and shoot along the road with a velocity so tremendous that you have to thank God if you arrive at your place of destination with unbroken bones—as all this was to be done for what was called the public advantage, we established these companies and enabled them to collect an amount of capital far larger than any required for mere purposes of locomotion. My Lords, you did more than this—you enabled persons whose object was not locomotion, and who cared not one straw whether one inch of the railways which they projected was ever laid down or not—you enabled, I say, persons who were not makers of railways but makers of railway plans, and railway surveys, and railway attorneys' bills, and who wanted to charge, without stint of measure, for the plans, and surveys, and bills which they drew up, to go on without the least check on their proceedings. There is also another class of persons to whom your Lordships made yourselves accessories before the fact—persons who cared as little for the formation of railways as the surveyor, the engineer, and the attorney, but who cared exceedingly for the shares which were thrown into the market. You enabled these persons, the traffickers and gamblers, to dispose of those shares, and to take advantage of the dupes who were disposed to pour into their coffers the money, of which they had not too much; and, by doing this, you enabled them, upon the ruin of private persons, to raise princely fortunes for themselves. Against those persons you took no precautions, and it is now difficult to see how you could have taken them when you once allowed Bills of this kind to pass. In one Session—that of 1846—no fewer than 519 Railway Bills were passed, some extending, some amending, and others altering existing laws. I have already stated to your Lordships the transcendental powers which you conferred by these Bills on the railway companies to obtain property, and the extraordinary means with which you invested them for the collection of capital. Your Lordships can have no idea of the extent of carelessness of which you were guilty in passing the various clauses of those Bills. I recollect well that my noble and learned Friend when on the woolsack (Lord Lyndhurst) was perfectly incredulous when I first informed him that your Lordships had passed a Bill by which the Great Western Railway Company was entitled to make evidence, not of its books by producing them, but of extracts from those books, which any copying clerk might produce without even proving that they were correct copies. But, furthermore, that Bill made such extracts conclusive evidence for the company of payment of money by the company — evidence, too, which could not be refuted, except by the very difficult, and in some cases impossible, process of proving a negative. I mention this as a proof of the zeal displayed by Parliament to forward the object of these dealers in locomotion, and of these jobbers in shares and scrip, and as a proof also of the unreflecting carelessness with which you granted immunities to the railway companies for the execution of schemes for which you had previously granted them large privileges. I have now stated to your Lordships the causes of the recent mania, and I now proceed to explain its effects. They are not trifling—they are not disproportionate to the magnitude of the causes. How much capital do your Lordships imagine was vested in four or five years in railroads in England and Scotland alone, without including Ireland, India, Guiana, Demerara, Jamaica, and other parts beyond the seas? If I were to say that in England 50,000,000*l.* were so invested, your Lordships would say it was a large sum—it is the amount of one year's public income of the whole country. But what would your Lordships say if I were to mention 100,000,000*l.*, nay, if I were to go further, and say 150,000,000*l.*? What if I were to tell you of 180,000,000*l.*—ay, and those millions actually paid up? For such is the fact, under the various railway calls. No great wonder, then, if the money market and the commercial world felt this. No great wonder if the Chancellor of the Exchequer of the day, for whom I have a great respect, and other most able financiers whom I see before me, and who are no longer Chancellors of the Exchequer, happily for themselves, should all be in great trepidation and alarm, when so large a sum as 180,000,000*l.* was withdrawn in so short a period from the capital of the country, and vested in one particular and novel line of employment. No great wonder if there has been a commercial and a money crisis, and that we are scarcely out of it now, when I am addressing your Lordships. I recollect well that when I told my dear friend, Lord Ashburton, that things were as bad then as they were in 1824 and 1825, he replied to me that they were much worse, and he took out of his pocket a paper on which he had noted down the various sums which had been paid up for railways at that time. They amounted then to 83,000,000*l.*; now, they are more than doubled; for, as I stated before, 180,000,000*l.* have been paid up. During all this time, the money-making Englishman was rivalled in all his proceedings by the long-headed Scot. The spirit of gambling, which had never crossed the Tweed since the time of the Darien and Mississippi schemes, again attacked the cautious and wary natives of the north, and they rivalled their English neighbours in their devotion to these hazardous speculations. Ireland, with its lightheartedness and lightheadedness, had 5,000,000*l.* embarked in them, which for a not very rich country is no inconsiderable amount, although I believe a large portion of it, as usual, came from England. Beside this, another million and a half was, I believe, contributed to the support of similar schemes in Demerara and Jamaica. But this is not all. There are calls still to be met. No wonder, I say, that we still have fears of a crisis in the money market, and disasters in the commercial community; for how much do your Lordships think still remains unpaid to these companies, and how much are their dupes liable to be called on to pay? I have not had time since I first gave notice of my present Motion to go through the lists of all the companies; but I have gone through one-fifth of the list by the alphabet, and I find that in that list the calls which remain to be paid amount to 30,000,000*l.*, and for those calls, in whole or in part, the shareholders are liable at any amount. Multiplying this by five you will have 150,000,000*l.* Thus 150,000,000*l.*, to be paid, is to be added to 180,000,000*l.* which has been paid; and that amount of good money is to be sent after the bad money already expended. Now the liability to which parties are subject for these unpaid calls, is far worse, and entails more anxiety, than the liability of a merchant who puts his name to a bill of exchange, and knows that he must pay it on a certain day, or go into the *Gazette*. These unhappy individuals do not know when they will have to pay their liabilities—they may be called upon to pay them at once, or they may be deferred by instalments for years. They are therefore obliged to keep their capital locked up to meet the calls, or else they are tormented with ceaseless anxiety lest they should not have it at command when it is wanted. This liability is a cloud always impending over their heads, which may burst in storms to their destruction, but which certainly hides from them the cheering and refreshing light of day. I am not therefore surprised, my Lords, looking as I do to the 180,000,000*l.* vested in one line of business, that we have already had one great panic. I think that we may be justly apprehensive of another, when we find that 180,000,000*l.* is not sufficient to satisfy the maw of this ravening pest, but that 150,000,000*l.* more must be extracted from the already exhausted resources of the country. Therefore, it is, my Lords, that I look upon this spirit of gambling, this overturning of all the prudent maxims and habits of our ancestors, as the gigantic, the monster evil of the present day. By small degrees it first made progress amongst us; but each day it is making further advances, and gaining fresh strength, and before long I am afraid that it will be found overwhelming the soil.

> "Parva metu primò; mox sese attollit in auras
> Ingrediturque solo."

Upon that soil it will pour all its desolating and pestilential influence as sure as ever effect followed cause. I have now spoken of the evils which this unhappy system has imposed on the commerce of the country. I have spoken of the gambling mania which it has excited among all classes; but I have as yet scarcely alluded to the moral pestilence which it introduced among us—first ten, and latterly three, years ago. I much fear that these gambling propensities, these desperate speculations, cannot be indulged in with safety to any who intermeddle with them. They cannot be without damage to the regular habits of trade, or to the honest pursuits of industrial labour. I think that it cannot be safe that men should desert the ordinary occupations in which they obtain regular profit from their exertions and the judicious employment of their capital, and should betake themselves to dealing in all the chances and risks of a lottery, acting the parts of reckless gamblers rather than of prudent tradesmen. So far the character of our people has suffered, not only among the middle classes, who generally gamble not, but also among our inferior classes, who are always clear from the contagion of that vice. I much fear, my Lords, that I cannot stop here. Schemes much worse than any which I have yet mentioned are to be considered—schemes which, unfortunately, are but too notorious to us all. It is not merely of common gambling in shares that I have to complain, but of contrivances of a worser kind. At the time when this spirit of gambling was authorised, encouraged, and stimulated by the formation of highly privileged companies, unfortunately left without that superintending control over them by Parliament which I now seek and wish to obtain, there arose a practice of carrying on these speculations in one regular way, though it varied somewhat in its phases. The object of the speculator was not to make railways, but to make profit in shares. His first endeavour was to get hold of a number of shares, but not for the purpose of qualifying himself to be a director, unless thereby he could obtain a control over the company, and so render his shares more valuable by the patronage they commanded. In that case he might go on as a shareholder for some time, but, unquestionably, not for long. No, he did not long hold fast by his shares. Some people may think that Brag is a good dog, but Holdfast is better. Not so the shareholder; he is of opinion that Holdfast is a good dog for the present, but that Brag is a better for the future. His object is to dispose of his shares at a profit; and he, therefore, goes about among his friends and neighbours, and says, "You get but 3½ per cent now for your money; I have a scheme by which I will guarantee to you 7 per cent or 10 per cent for your money for a series of years." "Oh!" then says a poor widow woman, "if that be the case, as I can't get more than 3½ per cent for my money in the funds, I'll even try to get 7 per cent in the railroad;" and "Oh!" says a poor man—and I now speak of a surgeon in Yorkshire, a very able man, who after labouring for twenty years in his profession saved a few thousands, which he had invested in the 3 per cents as a provision for his old age—"if I can convert my 150*l.* a year into 500*l.* a year, I am a happy man; and why should not I have a share in the railroad?" Whilst this manœuvring is going on, a good dividend is declared out of capital, the shares rise to a high premium, and then the demand for shares comes pouring in. What does Holdfast with his shares then? Holdfast he is no longer: he is now Brag; he takes his shares into the market, and he sells them at a premium to his friend the widow, or to his friend the surgeon, who no longer thinks of riding about the country to his patients in all weathers, and of charging half-a-crown for his visits, but says to himself, "I'll sleep in bed at nights, and enjoy myself with my 500*l.* a year like a gentleman;" and then he proffers his thanks to his good friend Holdfast. What follows next? One year the surgeon's dividend is paid, the next it is not. What is still worse, the year afterwards this unhappy gentleman receives a call to pay up large amounts on which he had never calculated. Having paid down all his savings for his shares, and having neglected his business on the strength of his anticipated income, and having, perhaps, let a rival step in to take it from him, he is called on to pay 25—or, it may be, 40—per cent on his shares. He is a ruined man for the rest of his life; all his savings are gone: he had paid down his all for his shares at a premium of, perhaps, 20*l.* per share; they tumble down to par, and then to 20*l.* discount. Holdfast has by this time got rid of all that he once held. He makes his fortune, but the poor surgeon is ruined. In every railway company, I am sorry to say, you have an Holdfast; and in every railway company, by his artifices, shares are first run up to 20 per cent premium, and afterwards dropped to 20 per cent discount. I know, my Lords, of another individual who was ruined in this way. He belonged to one railway company which purchased the property of another. An interest of 10 per cent was guaranteed to all who joined in the purchase. What cares Holdfast how that guarantee is to be made good? It is paid one year. How? Out of capital. That is now the patented mode of dealing in such cases, and will continue to be so as long as the community is placed at the mercy of the dealers in shares. You have knocked up, my Lords, the travelling by post; you have destroyed the postmasters and their inns; and you have thus left yourselves entirely at the mercy of the railway companies. What care the dealers in their shares for the comfort or convenience of the public? All they want is to raise the price of shares, and to sell them at a profit. There is, however, my Lords, another class of men who have an interest in bringing shares down from a premium to a discount. I know a relation of my own, who purchased shares at 187, which subsequently dropped as low as 108, and, I believe, even to 104. He purchased them, not to sell, but to hold, in the North Western. [A Voice: The Midland.] No, I say nothing of the Midland, for I am not alluding to any individual. A great capitalist from London came into the field. He took every means—he used every artifice, to pull those shares down. He succeeded. Then he bought them up largely; then, again, he did all he could to raise them; and, finally, he raised them to 134, when he was no longer Holdfast, but Brag, and he sold every one of them. In another railway 10 per cent interest was guaranteed to the subscribers, as usual, for a certain number of years. Capitalists were attracted to this line, and the shares rose to a premium of 20 per cent. Here, again, Holdfast was awake to his own interest. He had raked together 2,000 of these shares — sold every one of them — and netted, by the sale, 40,000*l.* The parties who bought, what has become of them? Do they get the 10 per cent interest guaranteed to them? Nothing of the kind; they cannot even sell their shares now; and that shows how much they have lost and Holdfast has gained by the transaction. My Lords, there is another shift to which these stockjobbers have recourse, and to which I must briefly call your attention. A friend of mine, Mr. Hutton, the official assignee at Bristol, by accident, but fortunately for the public, happened to succeed either as legatee or executor—I forget exactly which, nor is it material—to the property of a person who had fifty shares in a certain railway. In either case—either as proprietor or trustee — he was bound to look after the accounts of that company; and he, therefore, required to see their books. That company had stated in its published accounts, that it had at the bank a balance in its favour of 32,100*l.*, meaning, as was naturally to be supposed, money actually there, to be operated on according to the will or exigencies of the company. Now, this company was the South Devon, one of the branches of the Great Western Railway Company. At first the company objected to Mr. Hutton seeing their books; but, on his threatening to enforce their production by legal proceedings, he was allowed to inspect them, but was told that he could not be allowed to take any extracts from them. Mr. Hutton, however, having a good memory, and being from his official engagements well versed in figures, he retained in his memory the figures which he found in the books, and thereby discovered that the alleged balance of 32,100*l.* was, in point of fact, only a balance of 2,500*l.*, and that the remainder was made up of a quantity of overdue bills—absolute trash, not worth the stamps or even the paper upon which they were written. Your Lordships may, perhaps, be disposed to ask how these overdue bills had come to be placed to the credit of the railway company. I will inform you, my Lords—for it lets a very strong light in upon the transactions of these railway gamblers to keep up the price of their shares for their own private purposes and for those of their company, by a series of tricks injurious to, and therefore concealed from, the public at large. Of that deficit of 20,000*l.*, 11,000*l.* was owing to the company by their solicitor, a gentleman belonging, or lately belonging, to a respectable firm in the metropolis; and he had paid in these overdue bills when a demand was made upon him by the company for the calls due. This discovery led to further inquiry. Mr. Hutton asked how certain other calls were met; and then, upon inquiry, discovered that Mr. Sandars, the secretary of the Great Western Company, who was in receipt of a liberal salary of 2,000*l.* a year, had been allowed to run into an arrear of 16,000*l.* for his calls, of which only 2,000*l.* odd was paid, so that there was a balance against him of more than 13,000*l.* My Lords, I ask whether anything can be more dishonest than this, that the directors of a company should be guilty of such a delusion and fraud on their shareholders and the public as to allow their secretary, so well and so liberally paid, to run in arrears for such a sum upon his calls, when they pounce on a poor widow for her calls the very moment they are due? The secretary, I am told, is still in his office; and there is a solicitor, who now owes to that company 190,000*l.*: having received that amount of money to pay for land which he had purchased on its account at different times, the directors had allowed him to draw first 20,000*l.* and then 40,000*l.*, and then 90,000*l.* for the land which they had purchased, and that, too, without the production of a single title-deed or voucher. Your Lordships may ask why the directors do not sue this man? Why, he has not a halfpenny wherewith to bless himself; but if that fact were made known, down would come the shares of the company, and therefore this transaction has been carefully concealed by the directors. The Motion, my Lords, with which I intend to conclude my observations this evening, will put an end, now and for ever, to the concealment of transactions like these. It will be remembered beyond this evening, and will make the affairs of these railway companies more accessible than they hitherto have been to the shareholders and to the people of England. I have one more statement to make to you, my Lords, which I think is not immaterial. A mode has for some time past existed of adding to one concern another, when the capital of the first is found insufficient to carry on the original project. A railway company starts, I will suppose, with a capital of 1,000,000*l.* The bills for the surveys, for the expenses of agents, for those of engineers, for attending to the progress of the measure through the two Houses of Parliament, amount to a large sum; and another large sum is due for the engines, the trains, and the rest of the plant. Here I may be permitted to state, what I forgot to mention to your Lordships, that in the accounts of the South Devon Railway Company, the balance of 31,000*l.* in its favour was drawn up on the hypothesis that all the plant was then as valuable as on the first day on which it was purchased—an hypothesis which was destitute of the slightest foundation. But to return from this digression. The sinews of war are found to be insufficient—more money is wanted. Application is made to Parliament for the increase of their capital by the creation of an increased number of shares. To induce new shareholders to come in—for in such an emergency the old shareholders cannot easily get out—they guarantee to the new shares a larger amount of interest, and call them "preference shares," a name indicating something good for the new interest, but nothing save loss to the old shareholders. Suppose a person to purchase original shares, he would expect to get a rateable portion of the increase of traffic. Not so, however—he would be tied down to the 5 or 3½ per cent, and nothing more—or at least he would never be guaranteed more—he might get it, or he might not. The "preference shares" have, however, a guaranteed sum entirely independent of profit, and the holders of the original shares are exposed to all the jeopardy and risk as to the amount of dividends which they may receive. The secretary of the Great Western Railway, and the solicitor to whom I have before alluded, held preference shares. So long as they thought those shares good, and as they were not called on to pay any calls upon them, those gentlemen answered to the name of Holdfast, and never dreamt, or at least never breathed, a suggestion, that there was anything illegal or fraudulent in the transaction. For my own part, I do not give an opinion whether it was illegal or fraudulent; I only say that originally these gentlemen never dreamed or said that it was so. But as soon as a call was made upon these preference shares, these gentlemen said that the whole transaction was illegal, and that they would have nothing to do with it. The secretary, I believe, used such language; and the solicitor, I know, did so. I should like to know one thing, from sheer curiosity. If another House of Parliament—I won't say in this country, but in another country, which has great dealings in railways—would take a hint from me, and institute a searching inquiry into the expenses of pushing Railway Bills through the Legislature—say in Canada, for I don't say here—I would wish that Canadian House of Commons, for which I have a very profound respect, to inquire also how those expenses are to be diminished. For, when in the year 1837, I gained the concurrence of the House of Lords to my standing orders, which placed private Bills on an entirely different footing, and sent them to the consideration of a Committee consisting of only five individuals, I recollect well that people said, that if such a plan were good for the Peers of England, why was it not equally good for the Commons of Canada? They said—"Is England, where the climate of December is now connected with the calendar of May, so cold a climate, that what does well for the Peers there, cannot do well for the Commons of Canada?" And I may, then, well inquire why the representatives of the people in the Canadian Legislature cannot do that which we have done in this country? Some time ago I wished some of the Members of the Canadian Parliament to communicate their resolutions to their colleagues; they had done so, but their colleagues said that such resolutions would not do at all, for, said they, the very reason that would make them do well in England, was precisely the reason why they would not do at all at Montreal, or Quebec, or Toronto. It was found in this Canadian Parliament, that the Members of whom it was composed, had usually been put to great expense in the conduct of elections; that their constituents pressed sore upon them for the purpose of exerting their influence to procure situations through the Colonial Office, commissions from the Commander-in-Chief, patronage from the Treasury, and every species of employment which the service of the State could in any manner supply. Now, the Members of the Canadian Legislature found these demands upon their favour and assistance so onerous, that they were glad to get rid of them upon almost any terms; and they found it much easier to do jobs for their friends in passing Railway Bills than in procuring Government employments; and thus the hon. Members of the Canadian Parliament contrived to pay their constituents either in meal or malt. I tried, year after year, for seven or eight years, to induce those Members of Parliament to adopt the orders which your Lordships had, at my instance, sanctioned by your approval; but, as you well know, I tried in vain. The House of Commons, after seven or eight years, that is to say, in the year 1845, had been induced to make a change; but what I wish to get at is the state of things antecedent to the time at which the Canadian Parliament had taken any step towards reforming the abuses of which I complain;—I wish for returns showing the practice which prevailed at the time when any Member who thought proper could get a Bill committed. I have seen some of the bills of costs to which the carrying of those railway measures gave rise—I saw that the money had been spent, but I never for a moment supposed that a single shilling of that money went improperly into the pockets of the agents; they were men of honour, and incapable of appropriating a penny of that money to their own use; but they were perfectly capable of applying shares for the benefit of the company. They were prompt to send shares in the right direction—nothing so good as right shares in right places; applied to Members at critical moments—nothing could be more effectual than the application of shares; they often brought down half a dozen Members, or more, to vote upon a question which they had never heard debated. It was under a knowledge of such facts as those that your Lordships passed your recent Standing Orders; and, if similar orders had been adopted elsewhere, there was not one of those Railway Bills which would not have been thoroughly sifted, and such orders would have thrown great light on the mode of conducting Bills through the Canadian Parliament. There had been instances of as much as 5,000*l.* having been offered to one, two, three persons to lend their names to certain railway concerns; and when they asked how they were to have it, the answer was, "In any manner you please—in shares, in hard cash." Of course, they disdained to do anything of the kind, or to accept any consideration upon those terms. But such was the acuteness, the astuteness, the sagacity of the agents in those cases, that they were eventually enabled to bring about and produce the desirable end at which they aimed. The 658 Members of the Canadian Parliament—I beg pardon, I was thinking of another place—what I meant to say was, that of the 150 Members of the Canadian Parliament, many were glad to obtain a certain number of shares, and pass the necessary Bills with the least possible delay. But are we, after all, quite sure that even the House of Commons in this country will adopt all the measures that your Lordships may think necessary upon this subject? Not long since a very stringent measure against bribery at elections was submitted to the House of Commons, which they did not like, and which they seemed resolved not to have. Still I shall do everything in my power to obtain the information which my Motion is calculated to bring forth. I feel an insatiable curiosity to get at that information. I can scarcely sleep comfortably in my bed until a Committee is appointed to examine into these Railway Bills. Companies that acted honestly could incur no disgrace by such a proceeding, because everything disgraceful must be the fault of individuals. I want above all things to know what was paid to Members of Parliament in passing Bills. And now I will ask, is there any person in this House, or out of this House, prepared to deny that the case which I have brought under the notice of your Lordships is one that calls for the interposition of Parliament—an interposition which I conceive has become indispensable, although so many schemes have been devised and propounded for arresting and staying the progress of the evil—an evil that is twofold—being one that gives power to men to cheat unwary members of society by false, fraudulent, and manufactured returns; and, secondly, by producing a species of mischief more difficult to deal with, but still not impossible to be suppressed—I mean the spirit of gambling, which unhappily pervades so large a portion of the community, that it becomes no easy matter to define its limits. It is a mania which, I fear, still affects society to a very alarming extent, manifesting itself by such symptoms as sending coals to Calcutta, and crockery to Brazil—a delusion not surpassed by the Mississippi scheme, or the South Sea Bubble, the license trade of 1812, or even the joint-stock companies of 1824 and 1825. The continuation of the same passion during the last two years is almost sufficient to make one despair of applying any remedy to an evil of such enormous magnitude. When capital becomes abundant, and the means of its employment circumscribed, I cannot but look with fear and trembling upon the itch for speculation which seems to afflict every class in this country; and especially when I see that irresistible tendency influencing the mercantile classes of England—men who of all others should be the most cautious. I believe that the Legislature can do much to prevent the excessive operation of that tendency, but not so much as they can do to prevent fraud and imposture, for they can do much to give absolute, unqualified, unsparing publicity to all railway transactions. I see no remedy so effectual as that. The Parliament of England have a right to enforce that publicity, and it is their bounden duty to exercise that right. It will be in the recollection of your Lordships, that my noble Friend opposite (Lord Monteagle), who by the course which he took in this House regarding railways has done much service to Ireland, as well as to this part of the united kingdom—your Lordships, I say, cannot have forgotten that my noble Friend brought forward a Bill, which, if it had been carried into a law, would have produced an honest and stringent audit of all railway accounts; and I hope in the present instance for the support of my noble Friend in pressing upon the adoption of the House a decision which cannot for one moment longer be delayed. The Motion to which I have to request your concurrence is one of considerable length, entering into many details, with the reading of which I shall not now occupy your time; but this I will say, that if the returns take many months in preparation, I would rather not wait for them, but prefer to content myself with a portion of that which I now require. Whatever can be obtained in the course of a month or six weeks, will be much better than to wait perhaps till the end of the Session for returns which, however full, would at that time be uselsss, because if not obtained within the shorter period that I have mentioned, they cannot be rendered available till the next Session of Parliament, and every one knows that calls upon railway shares will come in immediately. It is, therefore, of the utmost importance that information should be obtained, and measures passed by Parliament in order to prevent the continuance of unjust or unreasonable calls, and to endeavour, if possible, to stay the progress of the gigantic gamblings in which vast numbers of the community are now engaged. In the course of the observations which I have addressed to your Lordships, I have spoken and stated facts without reference to papers or documents; but if any of your Lordships should think proper to refer to official sources, then you will find that every one of my statements is in exact accordance with all the records relating to this subject that can be considered authentic. Let me remind your Lordships that there are calls now in progress for capitals which in the whole are not less than from 140,000,000*l.* to 150,000,000*l.*, and that these calls are in many instances made by persons who are desirous of paying interest by obtaining more capital for the purpose of carrying on a culpable traffic in share gambling. I trust that the course I have taken may be productive of good effects, and that as many as possible of these returns may be speedily produced. The Noble Lord then handed his Motion to the Lord Chancellor, as follows:—

"Return of the Share Capital of every Railway in the United Kingdom: Also, the Capital authorised to be raised by their Acts of Parliament: Also, the Number of Shares issued and Number allotted to each Director: Also, Amount of each Share: Also, when the Calls on such Shares became due: Also, when received: Also, the Capital raised by each Railway in the United Kingdom on the Security of their Debentures: Also, when such Debentures were issued: Also, Date of Act of Parliament sanctioning such Issue of Debentures: Also, Amount of each Debenture: Also, Rate of Interest paid to the Lender: Also, Term for which such Loan was made: Also, Commission paid by the Railway Companies to the Broker or Agent for obtaining Loans on the Security of Debentures: Also, Cost of Construction of each Railway, exclusive of Land Purchases, Parliamentary Expenses, and Law Charges: Also, Law Charges, and stating whether Taxed or not: Also, Money expended in Purchases of Land and Property: Also, Parliamentary Expenses: Also, Engineers' Charges: Also, Cost of Railway Plant: Also, Amount entered in each Year's printed Account for Depreciation of Plant: Also, Total Annual Receipts from Passengers or Goods from the first Opening of any Portion of the Railway: Also, Total Annual Expenditure contingent on the working of the Railway, exclusive of the Interest paid to the Debenture Holders: And also, Mode by which the fixed Dividends which have been paid to the various Shareholders was ascertained"

The MARQUESS of LANSDOWNE: I am assured that the House must feel deeply interested in the statement which has been just made to them by the noble and learned Lord opposite, and will be most anxious to join with the noble and learned Lord in every effort that can reasonably be made for the purpose of repressing the spirit of gambling to which he has this evening so forcibly called your Lordships' attention. It has been very fairly, and I may add very truly, stated to your Lordships, that there will be considerable difficulty in producing all the papers included in the Motion now before the House; but I trust that as much as may serve the immediate objects in view, will be prepared within the period which we may presume to be sufficiently early. I am bound also to say that in the opinion of Her Majesty's Government the time has arrived when this and the other House of Parliament are bound to provide by law for the future protection and security of that class of persons who have from various circumstances invested considerable parts of their fortunes in these undertakings. We all understand very well, and it is therefore perfectly unnecessary that I should waste your Lordships' time with any explanation or description of the powers which the Legislature has delegated to the directors of railway companies; but those who have thus been invested with great powers, must be instructed and made to feel that such powers have been delegated to them as important trusts, not for their own individual advantage, or even for the profit of the company whose affairs they conduct, but to be exercised for the public good; and they should further be required to remember that such powers were not given to them by any means unconditionally, but that, on the contrary, those persons are liable to a very heavy amount of public responsibility. At the same time your Lordships, I am sure, will not disregard this circumstance, that much excitement was to be expected from a change so great as that which has taken place in the commercial enterprise of this country. The discoveries in science—discoveries remarkable and brilliant—have been in a manner most extraordinary applied to practical purposes and objects. Such results have excited the attention and the admiration of the world, Can your Lordships then wonder that events of so startling a character should be followed by dazzling effects upon the minds of those who regarded those changes not as means whereby science was to be advanced, but by which great gains and emoluments were to be realised? It had its effect not only on persons engaged in legitimate traffic and enterprise, but it also produced its effect upon every adventurer —upon every person disposed to speculate in that lottery which was oponed on a larger scale than ever it had been opened before to the gambling spirit of the world —that lottery in which large prizes were to be gained, but in which, unfortunately, there were so many blanks. In the midst of this earnest pursuit of advantages, many of which were found to have been imaginary, there cannot be a doubt that still many respectable companies were formed, enterprises founded on the most legitimate principles, and carried on in the most honourable manner, and for the most lawful objects; and those who have conducted their affairs honourably and fairly will have nothing to apprehend from the proposition brought under the notice of your Lordships this evening. I think we may feel a perfect reliance that the companies who have managed their affairs with prudence and good faith will be amongst the first to hail with satisfaction this proposition, the effect of which will be to place upon a footing different from companies worthy of confidence those who have mismanaged their affairs, and who have made it manifest to the world that they are unwilling or unable to carry on business upon sound principles. It is the interest of the public that a means for auditing the accounts should be provided, and that it should be seen that the conditions on which the Act of Parliament had been passed, to enable the various companies to carry out the system, were lawfully and completely fulfilled. I therefore join in expressing, on behalf of the Government, my earnest hope that my noble Friend near me (Lord Monteagle) will be prepared again to undertake the task which he engaged in last year, and which he may now hope to commence under more favourable auspices, and with a more complete knowledge of the subject. To such a Bill as I hope my noble Friend will bring in, the Government will give its support; and if my noble Friend should, from any cause of which I have now no knowledge, and which I am very far from anticipating, be unable to bring in a measure of the kind to which I refer, then the Government will themselves feel it their duty to propose a Bill of that nature, though I beg most distinctly to declare my full conviction that it would be much better—much more advantageously introduced—if laid before your Lordships by my noble Friend—because from the very great attention which my noble Friend is known to have paid to the subject, I hope and trust that his measure would enjoy the support not only of this but of the other House of Parliament.

LORD MONTEAGLE could not allow the opportunity to pass without expressing, in the first instance, the great satisfaction he felt on the subject being at last brought under the consideration of their Lordships; because, impressive as had been the statement made by his noble and learned Friend —important as the facts were on which he had dwelt—he took upon himself to say, that if the whole of the information, for which it was the object of his noble and learned Friend to call, were laid before them, the result would be infinitely more astounding and alarming than even the eloquence of his noble and learned Friend. When they considered this question in its bearings on the whole commercial interests of the country, it was impossible to overrate its importance. If ever there was a case in which it was the duty, nay the obligation, of Parliament to give an effective and instant remedy, it was one in which, if they looked back to past years, they could not fail to consider themselves to a great extent responsible. It was quite true that there were cases in which, from the natural expansion of enterprise and speculation, let them do what they would, they could not restrain the imprudence of mankind; but this was a case in which, unfortunately, Parliament had aggravated and stimulated, in spite of all warning, the mischief that had occurred. It was impossible to approach this subject without taking an opportunity of doing justice to a noble Member of their Lordships' House, to whom one might refer the more freely because he was absent. But though he was absent, it ought to be remembered, both there and elsewhere, how Lord Dalhousie had warned them, and that if his warnings and recommendations had been attended to in both Houses of Parliament (he need not on this subject, as had been done by his noble Friend, adopt, in speaking of the other House, any geographical disguise), much difficulty would have been averted. Their Lordships gave their sanction to his proposition, which however, was fruitlessly adopted by them, for it was not adopted in the other House of Parliament. The noble Lord, who during two years had applied himself to this subject, had induced their Lordships to pass a Bill, which, if it had been accepted by the other House of Parliament, would make that important separation in which the public was so much interested, namely, a separation of that class of railways to which the noble Lord the President of the Council had alluded, and which he (Lord Monteagle) believed to be a most important and numerous class—the class that was well managed, from the class which he would designate as being a disgrace to those individuals who supported them, as well as a means of the most serious loss to the subject. He (Lord Monteagle) could give additional information as to the mode in which evils were produced under this system, and could afford proofs of how deeply Parliament were responsible for those abuses. His noble and learned Friend had alluded to the fact of capital being applied, not to the purposes for which capital was properly applicable, but to enable parties to declare fictitious dividends. As long as there was capital to be so applied, there existed the means of effecting this fraud—for fraud it was; the man who declared out of capital a dividend that should only be declared out of profits, was, so far as that transaction was concerned, guilty of a fraud on the public, because parties purchased on the faith of the dividend, and if the dividend were fraudulent, the purchaser gave a consideration which the real value of the property would not warrant. But their Lordships could hardly believe the length to which Parliament had gone in some cases to allow the indefinite perpetuation of this system. A power of borrowing proportionately to the capital was allowed, as well as a further power to allow the parties who borrowed to capitalise the debt. There was also a further power given to borrow more money in proportion to the extended capital, and money was so borrowed a second, third, and fourth time; and he asked was not Parliament responsible for that? He did not complain of the people out of doors; but let them look at home, and see whether that and the other House of Parliament had been faithful stewards in discharging the duty entrusted to them. It was to be hoped that the Legislature would at length become sensible to the grave responsibilities of their position, and perceive the necessity of taking, with as little delay as possible, the requisite steps with a view to the correction of an evil which all admitted to be a very serious one. The trickery of the present railway system was managed by a select few. It was all arranged, not after the curtain had been raised, but while the curtain was still dropped, and the public knew nothing about it until they experienced its damaging effects upon their pockets. He would do the Bank of England and the East India Company, but particularly the former, the justice of admitting that they had never desecrated their characters by having to do with such proceedings. Whatever difference of opinion might exist as to the general policy adopted by the Bank of England, it was at all events certain that the directors of that great commercial company never gambled in its shares, and seldom held a larger quantity of stock than was essentially necessary to give them a qualification. It was capable of demonstration that in the case of that particular railway company whose officers had been committed a few days since for a breach of their Lordships' privileges, the directors had taken steps to run down the value of their own securities, in order that they might afterwards buy them up at a profit of 50, or 150, and sometimes even of 200 per cent. That was, no doubt, an enormous gain for the directors; but the melancholy feature of the case was, that the profit thus netted was taken out of the pockets of another class of people who had no knowledge of what was going on behind the curtain. It was full time that the Legislature should step in, and prevent the indefinite perpetuation of a system which was productive of so much injury to the public. The interests which would be injuriously affected by it were every day becoming more numerous, for it was a well-known fact that the practice was becoming quite common of inserting in marriage settlements a power to the trustees to invest the stock in railway debentures; but what is the value of the debenture of a fradulent company? The measure which he (Lord Monteagle) brought forward last Session, with a view to correct the evils of the present state of things, was such as no honourable railway company could have complained of or objected to. All well-managed companies would have found their financial condition very much improved by the operation of such a measure. They would be in a much better position if their accounts were accompanied and attested by the official signature of an independent officer. The present system of auditing railway accounts was a farce; for everybody knew that the person who audited and attested the accounts was himself more or less connected with the men who had plotted the original fraud on which the company was based, and had, like them, a direct interest in its success. He felt the necessity of a measure to remedy the evils of the present system, and he was happy to find that the Government was prepared to take up the matter in an earnest spirit. He could have no wish to keep this or any other measure in his own hands; but he felt justified, by the discussion of that night in having introduced it. The measure would be better in the hands of the Government; and if ever any public good should be done, by reason of the enactment, he wished that his noble friends connected with the Government should have the credit of it. He would infinitely prefer that to claiming it for himself, and if he could assist them, he would earnestly afford them his co-operation. If the Government were unwilling to undertake it, then he was willing to proceed with his measure. He had received many well-founded obejections to the Bill he had introduced last year, which would enable him to prepare another Bill less open to objection than that presented by him last Session. While it would not be open to the objection of being less stringent, it would be more operative; but while it was more operative, he would take care it should not be a measure likely to be used for purposes of a vindictive character.

Earl GRANVILLE would like to have said a few words on the subject under discussion; but after the statement of the noble and learned Lord (Lord Brougham), as well as of the noble Lord who had taken so much pains on this subject (Lord Monteagle), and still more after the declaration of the noble Lord the President of the Council, he felt it was unnecessary for him to do so. He might state in confirmation of what the noble Lord had said, that their Lordships would, he was sure, be unanimous in saying that a measure for the audit of accounts was required. Some honourable members of the railway world who were opposed last year to the Audit Bill of the noble Lord, and to the clause introduced by the Railway Commissioners the year before last, giving a power to the Railway Commissioners to inspect accounts, now wished for the passing of a law that might be satisfactory to the public. With regard to the noble Lord (Lord Monteagle) taking charge of the Bill, he (Earl Granville) could say, on the part of the Government, that it could not be in better hands. The Government were very anxious that the noble Lord should continue his exertions; but, at the same time, feeling the necessity was great, they would themselves bring forward a Bill if the noble Lord abandoned his measure.

Lord BROUGHAM had totally forgotten to mention one of the strongest illustrations of the necessity for their Lordships' interference, and which showed the desire that existed on the part of some railway companies to conceal their affairs. There was a case recently disclosed where there was actually a correspondence in cipher between the chairman and the secretary.

Motion agreed to.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, May 1, 1849.

Minutes. Public Bills.—1^{o} Marriage by License.

Petitions Presented. By Sir John Yarde Buller, from Exeter, and other Places, against, and by Mr. Bright, from Newport, Isle of Wight, in favour of, the Parliamentary Oaths Bill.—By Mr. S. Crawford, from Inhabitants of London, for Universal Suffrage; and from Edward Sharp and others, for Separation of Church and State.—By Mr. G. Hamilton, from the Bath Church of England Lay Association, for an Alteration of the Church Temporalities (Ireland) Act.—By Mr. Bright, from Morpeth, Northumberland, and by other hon. Members, for the Clergy Relief Bill.—By Mr. Roundell Palmer, from Winchester, and several other Places, against, and by Mr. Stuart Wortley, from Chichester, in favour of, the Marriages Bill.—By Mr. Alexander Smollett, from Dumbarton, against the Marriage (Scotland) Bill.—By Mr. Bankes, from Symondsbury, against Endowment of the Roman Catholic Clergy.—By Captain Fordyce, from Aberdeen, and several other Places, and by other hon. Members, against, and by Viscount Melgund, from Greenock, in favour of, the Sunday Travelling on Railways Bill.—By Mr. Cobden, from Saddleworth, Yorkshire, for the County Rates and Expenditure Bill.—By Mr. Blackstone, from Oxford, for Repeal of the Duty on Malt and Hops.—By Mr. Deedes, from several Places in the Eastern Division of the County of Kent, for Agricultural Relief.—By Mr. Turner, from several Places, against the Copyholds Enfranchisement Bill.—By Mr. Tatton Egerton, from Bowden, Cheshire, for Encouragement to Schools in Connexion with the Church Education Society for Ireland.—By Mr. Bright, from North Berwick, complaining of the Influx of Irish Paupers.—By Captain Fordyce, from Aberdeen, against the Lunatics (Scotland) Bill.—By Sir Joshua Walmsley, from Turton and Little Lever, Lancashire, against the Public Roads (England and North Wales) Bill.—By Mr. Bright, from Sheffield, and other Places, for the Abolition of the Punishment of Death.—By Mr. Smollett, from Stirling, against the Registering Births, &c. (Scotland) Bill.—By Mr. Adderley, from Uttoxeter, for an Alteration of the Sale of Beer Act.—By Mr. Bright, from Manchester, and other Places, for referring International Disputes to the Decision of Arbitrators.

BREACH OF PRIVILEGE.—REPORTING THE DEBATES.

Mr. J. O'CONNELL wished to call the attention of the House to a matter which he thought involved a breach of their privileges. A sessional order, passed at the beginning of every Session, provided that the debates in that House should not be reported, or at least that no strangers should be allowed in the House, and that no accounts of their proceedings should be published in the papers. He was not going to argue the good sense of keeping such a rule upon their books; but, if it was the pleasure of the House that the rule should be done away with, he had no objection, and he thought it would be for the credit of the House. So long, however, as that rule remained upon their books, he thought it ought to be as much respected as every other order of the House. He found in a newspaper called the *Times*, which some hon. Members might have seen that day, a violation of this rule. That paper contained a report, or what purported to be a report, of a debate which occurred in that House last night on the third reading of the Irish Rate in Aid Bill. He believed the proper course for him to pursue, after having stated his reasons for taking such a course, would be to move that the printer of the paper should be called to the bar to answer for his conduct in infringing the rule and strict order of the House. He found that the debate or proceedings of last night were regularly set out and reported. He found not only this, but that a great deal of what some hon. Members did say was given, a great deal of what other Members said was omitted, and a great deal that hon. Members did not say was put in. Now, he found himself in the last dilemma; nay, he found himself in two of them. He found that a great deal of what he thought it his duty to say to the House on a question of some importance to Ireland was omitted, or so misrepresented that he would not have known his own child. He was made to say things that he certainly did not say. It might be a matter of very little importance to the editor or proprietor of the *Times* to give what he (Mr. O'Connell) might chance to say; but his conduct was canvassed in Ireland; and, as an Irish Member, he had a right to demand, that if that House allowed reports to be published, such reports should at least be tolerably accurate. He had observed that Irish Members particularly were not treated fairly—that the same measure was not meted out to them that was meted out to English Members. No matter of what importance the subject on which they spoke might be to Ireland, their speeches were abbreviated, and the utmost injustice was done to them. They were subject to censure from their constituents for their conduct, and they ought in common fairness to be allowed the ordinary means which the House thought fit to afford of placing their sentiments on record, and of enabling their constituents not only to see their acts, but the reasons of those acts. This, however, was not the case. The most trivial English debate, upon the most passing subject of the day, was faithfully reported; but let a subject of the deepest interest to the people of Ireland be brought forward, and they found the debate slurred over, and the speeches of Members mangled or misrepresented. Many of the Irish public were not aware whether their Members had done their duty or not. He did not know who, among the Irish Members, would be inclined to submit longer to this; but he, for one, certainly would not. It might be said, that he thought rather too much of himself and of what he said; but he would stand on his right as a Member of Parliament. So long as he was a Member of Parliament, he would discharge his duty, and say what his duty dictated, without fear or favour. If other Members were to be reported, he would insist on being reported; and, if other Members were not to be reported, then he would submit to be similarly dealt with. If the rule of the House were a good one, let the House enforce it, or abrogate it. Inasmuch as that rule had been violated; inasmuch as what purported to be a report had appeared in a public newspaper, and inasmuch as there did not exist the excuse for the violation of the order of the House that the report was a fair and impartial and accurate one, he arraigned the printer and proprietor, and all concerned with the newspaper, for having violated the order of the House by the publication of that report, and he concluded with the Motion that the printer and proprietor of the *Times* newspaper be called to the bar of the House.

Mr. SCULLY seconded the Motion.

Mr. SPEAKER said, that in order to make the Motion in the regular form, the hon. and learned Member must ascertain the name of the printer of the paper.

Mr. J. O'CONNELL then stated the printer to be John Joseph Lawson, of Tottenham Cottage, Downshire-hill, Hampstead, in the county of Middlesex; and the Motion he wished to put was, that he be required to attend at the bar of the House to-morrow.

Paper delivered in, and paragraph complained of read.

Motion made, and Question proposed, "That John Joseph Lawson do attend this House To-morrow."

Mr. O'CONNOR hoped the hon. Gentleman the Member for Limerick would spare the time of the House by not proceeding with his Motion. If any hon. Gentleman, in the House or out of it, had a right to complain of misreports, he (Mr. O'Connor) had; and he should begin to doubt his own identity whenever newspapers began to report him or speak of him well. The hon. Gentleman wished to stand well with his constituents; but if the *Times* did not report what he said, other newspapers reported what he did not say, and he might set one against the other.

SIR G. GREY did not know whether the hon. Gentleman the Member for Limerick was serious in his Motion. With respect to the grounds laid for the Motion, he must say that though reports of their proceedings were contrary to the letter of the order of the House, yet, after the length of time during which reports had been sanctioned, and considering the immense benefit and value of an impartial report, he did not think it could be expected that the strict letter of the order was now to be acted upon. He was not much in the habit of reading reports of the debates, and therefore he was unable to form an opinion as to their literal accuracy; but he had not heard before that the speeches of Irish Members were not reported. There was, however, now published a summary or sketch of the debate. This was a modern practice, and an extremely useful one, and through it the pith of the debate was given in a compressed form. He must say that the summary generally presented a most fair and impartial *précis* of the debate. He thought it rather inconsistent on the part of the hon. Member, while complaining that his speech was not reported, to call for the application of the rule of the House against reporting.

MR. BROTHERTON said, that the *Times* was a most accurate paper with respect to reports. But he would give to the hon. Member an example with respect to another paper. The *Daily News* the other day reported that he (Mr. Brotherton) stated in that House that his last election cost him 4,000*l.* Now, the fact was, that he had been elected five times; he had never solicited a vote, and his elections had never cost him a single penny. His neighbours, and those who knew him, would not believe the report he had referred to, but they imagined that strangers might give credit to it.

MR. J. O'CONNELL said, that if the debates were reported at all, Irish Members ought to be treated with fairness. He repeated that, not only was much omitted which they said, but a great deal was given which they did not say; and Irish Members ought to be treated with the same fairness as was shown to others. If the House wished to get rid of the rule, it would do well to abrogate it; but, as long as the rule existed, he had the means of enforcing fair play. He should, at present, withdraw his Motion; but, if he perceived a repetition of the conduct of which he complained, he would call on the House to decide whether it would maintain the rule or not.

MR. GRENVILLE BERKELEY suggested to the hon. Member to send, in future, his speeches to the papers, instead of making them in that House.

Motion, by leave, withdrawn.

THE NINEVEH EXCAVATIONS.

SIR J. PAKINGTON asked the Chancellor of the Exchequer whether it was the intention of Government to assist Mr. Layard in his discoveries at Nineveh by any grant of money; and if so, to what amount?

The CHANCELLOR OF THE EXCHEQUER said, that on receiving an application from the trustees of the British Museum for the sum of 3,000*l.* on account of these excavations, he had agreed to appropriate the sum of 2,000*l.* to defray the expenses incurred during two years by Mr. Layard; subsequently a further application appeared to have been made to the Treasury for more money, to which no answer had yet been given.

ABOLITION OF THE PUNISHMENT OF DEATH.

MR. EWART, in rising to move for leave to bring in a Bill on this subject, said that he believed that the conviction was every day growing stronger, openly with the public and secretly with the House, that the time was not very distant when they must totally abolish the punishment of death. The increasing conviction among the public was proved by the numerous and almost unanimous meetings in the country. In the House many Members who seemed neutral, or even unfavourable, had avowed to him that the time must probably come when the Motion would be carried. The only crime virtually punished with death was murder. Yet the number of murders lately had most unfortunately and lamentably increased. Now suppose that they had abolished capital punishment in the last year, would not his right hon. Friend the Secretary of State for the Home Department have attributed to the repeal of capital punishment the number of murders that had recently taken place; and was not he (Mr. Ewart) equally justified, when those murders had continued notwithstanding the executions, in attributing the murders to those executions? As his right hon. Friend would have used that argument against him in the event of his Motion having been carried, he (Mr. Ewart) was equally right in using the argument against the right hon. Gentleman when the Motion was not carried. During the course of all the arguments on this question, he had carefully avoided the theological part of the discussion: he maintained that upon this question, as upon all others, they were bound to act upon a system of exalted expediency, and to look at the general interests of the country. He, therefore, abandoned on this occasion anything like the theological part of the question. He again took his stand on the principle that they who justified executions were bound to prove that they were indispensable. The first writer on the subject of such deep interest to humanity, the immortal Italian jurist, Beccaria (the man by whose writings he was first converted to the opinions he held), laid it down that nothing but necessity could justify the execution of any individual. [The hon. Gentleman here quoted, from his work, *De' Delitti e delle Pene*, the words of Beccaria.] In the last report of the Criminal Law Commissioners they equally expressed their opinion that the right of the Legislature to inflict capital punishment rested on the ground of strict and cogent necessity, and (to quote their own words) that "to go beyond this involved a transgression *in foro cœli*" on the part of the Legislature. Now he maintained that during the course of the argument on this subject, his opponents had begged the question: they had assumed the necessity, they had not proved it. They had appealed either to the prejudices or the fears of the community. He denied that his right hon. Friend, with all the evidence which he could command, went further than to state that the country was not yet prepared for the change proposed: a question which he (Mr. Ewart) would like him to try anywhere in this country himself. It was true that he advanced a certain series of statistical arguments, which he (Mr. Ewart) believed to be rather ostensible than real. There were elements in the calculations of his hon. Friend which deprived them of their validity. His right hon. Friend had stated that in cases of attempts at murder there had been an increase in the last five years ending 1846, as compared with the five years ending 1831, from 451 to 1,099 crimes. He stated also that there had been an increase in the cases of rape, of arson, and of forgery; and he added, in all those crimes you abolished capital punishment, and therefore the diminution of capital punishment has caused an increase of crime. If this were true, his right hon. Friend was bound in consistency to ask them to restore capital punishment. His right hon. Friend did not do this, but he selected four crimes out of twenty in which capital punishment had been abolished; but he did not go to the whole number of twenty, in which he (Mr. Ewart) was prepared to show that in the majority of instances the crime had diminished. He said, with respect to attempts to murder, that in the five years ending 1831 the committals were 451, and in the five years concluding 1836, the committals had increased to 668. From 1836 to 1841, when capital punishment had ceased, the crime rose to 937, and in 1846 to 1,099. Therefore, according to the statement of his right hon. Friend, there was a rise from the year 1831 to 1846 of attempts at murder from 451 to 1,099. This was a large increase, undoubtedly; but even whilst capital punishment existed, there was as great an increase in the crime as after it was abolished. Then his right hon. Friend showed an increase since the repeal of capital punishment in cases of rape. It was true that in that case also the number of crimes had increased, but it was also true that before the repeal of capital punishment, prosecutors did not prosecute for the crime; they indicted for the minor offence—an assault with intent; and when both crimes were blended in one, no doubt there appeared to be a rise in the number of crimes. Then his right hon. Friend took the case of wilful burning. It was true that this crime had increased; but, according to the tables produced by the right hon. Baronet, it had diminished very considerably in the first six years following the repeal of capital punishment. For the five years ending 1831, the committals for wilful burning were 312; for the five years ending 1836, they were 360. Capital punishment was abolished, and in five years ending 1841 they fell to 183. Then his right hon. Friend referred to the crime of forgery, and said that the committals for five years previous to

1836 amounted to 350, when the capital punishment was abolished by "Lord Denman's Act," and that they rose from 350 to 564, and that in 1846 they rose to the still greater number of 735. He (Mr. Ewart) had carefully looked at the returns made to the House, and he found that there was a different mode of making the return in the first period from that which had taken place in the last. In the first period it was customary to put on the register such forgeries only as were capitally punished, but now all forgeries were entered—there was no distinction; hence the apparent increase of crime. This was admitted in a return made to a Motion of his own in 1847. He did not think it fair in his right hon. Friend to select a particular time and a particular series of years to prove his case. The real way to prove whether or not crime had increased or diminished by the abolition of capital punishment, was to take a certain number of years antecedent to the abolition of capital punishments, and a certain number of years subsequent; and if you found that on the whole the result of the abolition of capital punishment had been the diminution of crime, it might fairly be argued that the experiment had been successful. There had been a return laid before the House, in his opinion, most conclusive on the subject; it was made on his Motion, at the suggestion of a much respected friend, a man who had laboured hard in the cause of the repeal of capital punishment, Mr. Wrightson, and the result was that crime had diminished most decidedly with the diminution of capital punishment. He had a return of eighteen different crimes which had been capitally punished, and the number of committals after the capital punishment was discontinued. In cattle stealing there was more crime in the five years previous to the repeal, than in the five years after. So, with regard to coining, there was a very large diminution; the same in wilful burning; and, with regard to burglary, there had been a diminution from 4,307 to 3,700. He had a return printed by the House in 1839, which took two periods of five years each. In the first of these periods, the five years ending 1831, there were executed in England and Wales 259 persons; in the second period 99 persons were put to death. In the first period, there were nearly 12,000 capital offences; in the next period, 11,320. He maintained that on this general and perfectly fair view of the case, the experiment had been successful, and justified the House in carrying it further. It would not do for his right hon. Friend, or any one else, to appeal to the vindictive feelings of the community. His right hon. Friend was bound to prove that it was expedient for the good of the State, that for the crime of murder the criminal ought to die; he was bound to put it on the ground of legislative expediency. To prove that the fact of the diminution of executions for murder had diminished the crime, he would lay before the House the following table: In six years ending 1818, there were executed for murder, 122—the crimes were then 444; in the six years ending 1824, there were executed 91, and the crimes diminished; in the six years ending 1830, the executions were 75; in the six years ending 1836, 74; and in the six years ending 1842, the executions for murder amounted to only 50, and the committals for the crime fell to 150. The crime had diminished one-half, although the population had largely increased. In 1834, 1835, and 1836, in which no executions took place in London or Middlesex—these were the only years in which there were no convictions for murder. It had been laid down by the jurists of all times that the excellence of a punishment consisted in its certainty, and its defects in its uncertainty. He asked his right hon. Friend, was he prepared to execute for every crime of murder? Within the last few days, a considerable sensation had been caused by the execution of two criminals, whose crimes were very different—he meant the unfortunate woman who had been executed at Bristol, and the infamous criminal who had recently been executed at Norwich. He knew that, even among those who still upheld the necessity of capital punishment, the inequality of the punishment relatively to the crime had in these cases excited some degree of astonishment. He, therefore, maintained that his right hon. Friend could not, consistently with a due regard to public feeling, invariably execute in all cases of murder. Then he maintained that he lost the proper degree of certainty in his punishment. It had been laid down that a small punishment which was certain, was far more valuable than a cruel punishment which was uncertain. It was most justly considered by the public that these degrading exhibitions contaminated public morality. He remembered that in an old Act of Queen Elizabeth it was stated, that it having been found that thieves and pickpockets resorted to the gallows at the time of an execution, it was expedient that all such thieves and pickpockets should be hanged. That Act was an early proof both of the inefficacy and of the demoralising tendency of public executions. During every period before and since, they had been alike inefficacious, and alike demoralising. He knew how his right hon. Friend met this part of the case; he said that it was not the mere exhibition, the scaffold and all its solemn appendages, which affected the people; but although they were not affected by the sight of the execution, they had unfortunately the means of reading the accounts of these degrading exhibitions in the newspapers of the country. The purity and morality of the Sabbath were contaminated by the issue of such publications. It was the execution, not the crime, which first attracted readers. Those crimes which had ceased to be capitally punished had ceased to have this false and dangerous attractiveness; and the details of those crimes were no longer dwelt upon and followed. But the retention of capital punishment for murder, caused a retention of a low, immoral, and sanguinary curiosity. Nay, it had a reactive effect on the public mind. It was for the general interest that public attention should be fixed on the magnitude of the crime. But by executions the attention of the public was diverted from the magnitude of the crime to the magnitude of the punishment; instead of concentrating observation and abhorrence on the crime, you diverted it towards the punishment and the criminal. The same effect was produced on the mind of the criminal also. Instead of dwelling on his crime, he was absorbed in the contemplation of his punishment. But not only the magnitude but the nature of the punishment was objectionable. How could that punishment be effectual which imitated the crime which it professed to control? But the strongest, and therefore the often-repeated, argument against it was, that it left room for neither compunction nor repentance. This was the reason why the resistance of the mind to capital punishment went on constantly increasing. It was in vain for his right hon. Friend to assert that men's minds were not yet favourable to abolition. The clergy, who had long maintained a neutral position, were gradually becoming the opponents of executions. They were the authors of several works in favour of their abolition. He had last year cited the opinions of the Judges. He was justified in saying that the opinions of three English and two Irish Judges, and of the recorders or magistrates of many of our towns, were favourable to total abolition. But that conviction was still more widely prevailing among the great moral and religious classes which formed the glory of this country, he meant the sacred alliance of those different religious denominations which had achieved the great triumph of the abolition of slavery and the slave trade. They had succeeded in their former great and holy efforts. They would succeed in this. They, in common with him (Mr. Ewart) believed that the Gospel unfolded two sacred and mighty principles, at variance with capital punishment—the condemnation of revenge, and the encouragement of repentance. In unison with their feelings and his own, he called upon the House to sweep from the Statute-book of England the unchristian principle of revenge, and to follow, as their inspirer and their guide, the Christian spirit of repentance. The hon. Member concluded by moving for leave to bring in a Bill to repeal the punishment of death.

Lord NUGENT seconded the Motion.

Sir G. GREY: My hon. Friend the Member for Dumfries has rightly anticipated that I shall feel it my duty to oppose the Motion. With every respect for the opinions of many Gentlemen who think that the punishment of death might in all cases be dispensed with, I entertain the strongest conviction that, without making any predictions as to what in the course of years may be the duty and policy of the State to do in this matter, the time is yet far distant when we can safely dispense with the extreme penalty of the law in cases of extreme guilt. I must remind my hon. Friend that many of the arguments he has used are more applicable, perhaps, to former periods than to the present; for since 1841 no person has suffered death, the extreme penalty of the law, except for the offence of wilful and deliberate murder. My hon. Friend, at the commencement of his speech, expressed an opinion in which I concur, that this question does not rest upon theological grounds; and I am not prepared any more than he to argue it upon such grounds. I will only say upon that point, that while I entertain the strongest conviction that there is nothing in the written Word of God which precludes the State, for its own safety, for the safety of society, from inflicting the punishment of death, I conceive that there is nothing, on the other hand, which imposes upon the ruler the obligation of inflicting that punishment even in cases of murder. I entirely agree with what is stated in a pamphlet which contains similar statistical statements to those which my hon. Friend has adduced—a pamphlet entitled *Punishment of Death—Statistical Argument*, reprinted from the *Eclectic Review* for August, 1848—that it is the duty of the Government to treat the malefactor with reference to the welfare of the State, and that if the State is as safe without the infliction of this punishment as with it, it has no right to inflict it. But that holds good of every other punishment also; we have no right to transport a man for the mere gratification of a vindictive feeling; the only justification for imposing any punishment is the interest of society, the protection of life or of property, or of those other interests which it is proper to protect. Now, with respect to the crime of wilful and deliberate murder, that being the only one which, in ordinary circumstances, subjects the offender to the extreme punishment, I am prepared to maintain that there is a necessity—I do not mean that it is one capable of absolute proof and demonstration, such as I think my hon. Friend has rather unreasonably required of me, but I am prepared to appeal to reasonable men and ask them whether it is not necessary, not merely for the protection of society, but of human life, to throw around it that guard which is constituted by the deterring effect which I am convinced the terror of death has upon the minds of men? My hon. Friend says that murders have recently very much increased, and that as, if he had succeeded in this Motion last year, I should have appealed to the increase as a proof of the evil effect of the alteration of the law, he has a right to appeal to it now as a proof of the bad consequence of retaining the law as it is. Now, first, I deny the fact of the increase. There have been two or three instances of very great aggravation recently, which have attracted much public attention; but taking, as he says we ought, a series of years, I find that murder is the only crime which has not very materially and considerably increased. I take for a period of 25 years the average of commitments for murder; in the last 10 years ending 1848 they were 67 yearly, and in the 15 previous years the same number—67; the convictions for murder in 1844, 1845, 1846, 1847, and 1848, did not very materially—21, 19, 13, 19, 23. I have no reason to suppose that the number will vary materially this year; it may not even equal that of 1848. I trust it will not. My hon. Friend has no right, therefore, to say that murders are increasing notwithstanding capital punishment, and that that is a proof that it is not only ineffectual, but tends actually to produce the crime. I believe that there is in the human mind that terror of death that makes this punishment operate with a deterring influence upon parties who otherwise would take human life from vindictive motives, or motives of gain, or other motives; and I believe that that does tend to keep down the crime, notwithstanding the temptations to it, almost to a fixed standard. I am not prepared to say that men who commit murder always calculate upon consequences; there are many cases in which men, reckless of all consequences, under some strong passion or evil motive, commit crime, and then the kind of punishment does not act with any determinate effect upon them. But we are to look at those who do not commit the crime, and who are deterred from it by the knowledge that they would suffer death if they did; and that there are such I think we may safely infer from the fact that murder is a crime which has not increased. My hon. Friend says, that nothing but necessity can justify an execution; I quite agree in that, meaning however not a necessity capable of mathematical proof, but that degree of necessity which should induce those who make the law, and those with whom the execution of law rests, to impose this punishment till they are satisfied that they can safely remove what they have hitherto believed to be a strong protection to human life. My hon. Friend has also referred to statistical arguments, following my statement of last year; but I must remind him that I did not profess to rest the case much upon statistical arguments, for the statistics are so liable to the operation of various disturbing causes, that there is not much reliance to be placed upon them. In Tuscany, Belgium, and the Roman republic, there were no executions, and my hon. Friend said that murders had, in consequence, been very few. My hon. Friend said further, that in all those crimes from which the punishment of death had been removed, there had been an actual diminution since it had been taken away. I must state, however, that looking at the class of offences in which this punishment was frequently, though not generally, executed in late years—attempts to murder, rape, arson, burglary—I am bound, notwithstanding what he has said of the incorrectness of my figures of last year, to adhere substantially to the statement I then made, and to say that crime under those heads has increased since the abolition of capital punishment. My hon. Friend says, that if so, I ought to move for leave to bring in a Bill to restore the capital punishment; but I deny that life and property rest upon the same grounds, and that you ought to afford the same protection to property that you do to life. You might, by executing every sheepstealer, deter from stealing sheep; that was attempted many years ago, but it was found utterly impracticable; the feeling of mankind would revolt against the application of the extreme penalty to a comparatively minor offence, and the consequence would be—as it was—the greatest degree of uncertainty in the infliction of punishment, and so no sheepstealer would have the fear of punishment before his eyes, not one in a hundred being really punished. I agree with my hon. Friend that certainty is an essential element in the administration of the law, and certainty has prevailed in respect to murder; I do not say in every case, in cases where there were circumstances of extenuation, but in general in cases of deliberate wilful murder, every one does leave the court with the firm conviction that the law will be vindicated by the execution of the criminal. My hon. Friend says, that uncertainty must attach to this punishment, because we cannot execute in every individual case, and that he has a certain punishment to offer: what that is I do not know, but I think he ought to have mentioned what is this substitute of his—a punishment to be inflicted in all cases, so as to avoid the possibility of uncertainty as to the penalty to follow the crime. But then, he says, look at the inequality, and he refers to two recent cases where the degree of public abhorrence was different, and the punishment was the same; then what becomes of his "certain punishment," which in all cases is to attach to murder, irrespective of circumstances? I admit that the facts of the two cases may be widely different. My hon. Friend referred to the case of a poor woman, who, under the influence of deep poverty, consigned to untimely death her new-born offspring; and said in such a case it was impossible to inflict the extreme penalty. The law makes this last crime also capital, and I admit it may be difficult and unnecessary in such a case to inflict the punishment of death; and, if it is not necessary, taking all the circumstances into account, it may be right to recommend such a person to the mercy of the Crown. I am far from extenuating that crime, or saying that there is no such case which would justify execution; but what would become of my hon. Friend's certainty of punishment when he came to deal with a case of this nature precisely as he would with the most revolting case of deliberate murder? If you apportion the punishment to the circumstances of the crime, then you fall into the fault which he says now attaches to the punishment of death. Now, with regard to these statistics, I must tell him that he, with the writer of the pamphlet in question, has fallen into some great errors, while professing to correct mine. First, with regard to attempts to murder, the mode in which I stated the case may have led to the error. I stated the great increase that had taken place in the attempts to murder since the capital punishment had been removed in those cases in which no injury dangerous to life had been inflicted; but I ought to have stated that the class of offences under the head of "attempts to murder," in the criminal tables, comprised many to which my hon. Friend adverted as formerly omitted from that class, namely, assaults with intent to do some grievous bodily harm. Those assaults were formerly capital; they are not now; and since they ceased to be so, the convictions for that crime have very considerably increased. It is said, this shows the punishment to be of no avail, for these persons attempted to commit murder—the capital crime. That would be so, if there had been an attempt to murder in all the cases; but the class comprises those attempts to which I have referred, merely to inflict some bodily harm; and, of 1,159 cases in the last five years, 1,002 are cases which were formerly capital, and are not so now, in which there was no intention to murder, but only to commit some bodily injury. With regard to rape, it is said that I ought to have taken into account the increased number of prosecutions. There may be something in that; the very great increase in those cases since the abolition of capital punishment may be in part accounted for by the increased willingness to prosecute. But when it is said that formerly they prosecuted for the minor offence, I believe that is a mistake, for it did not rest with the prosecutrix unless she perjured herself—it rested with the magistrate to determine the nature of the charge, and with the clerk of assize to frame the indictment, and with the jury to decide of what offence, if any, the accused was guilty. I fully admit that juries were more in the habit then of convicting for the minor offence, but the commitments for rape in the seven years subsequent to the abolition of capital punishment have been 818, to set against 412 in the seven preceding years; and, allowing a fair deduction for the unwillingness of parties to prosecute when the offence was capital, I must say that, the number having doubled, this crime cannot be cited in favour of the abolition of capital punishment as tending to diminish crime. With regard to arson, the capital punishment was abolished in 1837; in the 22 previous years the commitments amounted to 897; in the 11 years since (half the former period) to 946; being more than double the proportion. With respect to forgery, it has been stated that that head comprises many offences not included under it in former returns, and that therefore the comparison is unfair. To a limited extent that is true. By the 1st William IV., c. 66, all offences relating to forgery were consolidated, and, by the 10th section, forged receipts for the delivery of goods, formerly punishable as simple frauds, were brought within the law of forgery. No doubt this would disturb the comparison of commitments to some extent; but, when it is stated that the larger class of offences are of this kind, I must be permitted to say that that is directly contrary to the fact; for I have here a statement which shows that these cases bear a very small proportion to the whole. Then with regard to burglary. On this point it is said I have committed a most egregious error, and I am charged with making what amounts to a gross mis-statement. It is alleged that about the time that capital punishment was changed, the crime was by law defined anew, and made to include offences committed between certain hours of the evening and morning—including a much longer time than before; and that, although I was aware of this circumstance, I nevertheless had argued that the crime of burglary had greatly multiplied. Now, by the same statute which abolished capital punishment in cases of burglary, the time which is essential to the offence of burglary is declared to be between the hours of nine o'clock in the evening and six o'clock in the following morning; whereas before this enactment the time was defined by common law as the period between sunrise and sunset; so that the assertion that this statute greatly enlarged the period within which the offence could be committed, is quite contrary to the fact; and I have a statement before me of the committals for burglary during the ten years preceding the abolition of capital punishment and the ten years after, showing a considerable increase in the latter period; but I will not trouble the House by entering further into this part of the subject. I have already said that I do not ask the House to decide this question upon statistical figures—but to take a broad common-sense view of the whole question. I ask the House whether they are prepared, on full consideration, to say that capital punishment can be abolished with a due regard to the interests of the country and the prevention of crime? The hon. Gentleman has adverted to the crime of high treason. Now, we certainly in these days do not hear much of this crime—but I ask whether, if a man levies war against the Queen, and involves the country in scenes of war and bloodshed, the law is to be chargeable with cruelty in consigning that man to the scaffold, in order to deter, by the fear of the utmost penalty of the law, others from pursuing a course that might lead to the death of hundreds or thousands of Her Majesty's subjects? I hold that till it can be clearly and satisfactorily shown that some other punishment will equally deter from the commission of crime, and protect society, it is the duty of Government and Parliament to exercise the power of capital punishment now possessed, in order to the vindication of the law and the protection of the subject. My hon. Friend trusted that in this debate I would not appeal to the vindictive feelings as an argument, and that I would not give in to the notion that merely because a man was guilty of a great crime, therefore he ought to die. There are, however, considerations connected with this view of the question, which I cannot but regard as of importance. If the impression is once produced in the minds of the community, that the law does not sufficiently protect them from the crime of murder, will an inducement not be held out to private individuals to do what they will be led to regard as a protection for themselves? I believe the effect would be to promote feelings of private revenge that are now kept down and subdued because the law is known to be strong enough to vindicate its rights, and inflict that punishment which is essential to the protection of human life. I will refer, very briefly, to what has been said with reference to the absence of executions producing the absence of convictions for murder. It has been stated, that in the years 1834, 1835, and 1836, no executions whatever took place in London and Middlesex, and that during those years no conviction for murder occurred. Now, I might draw just the contrary inference from the statement, and say, there were no convictions for murder, and, therefore, no executions. The law still attaching the penalty of death to murder, there were no persons executed in those years, because none were convicted; and, therefore, I might argue that the law was effectual. I cannot understand how any argument for abolishing capital punishments can be founded on the statement that no executions took place, seeing there were no convictions. But he might appeal to the experience of the year 1833 with far more force than his hon. Friend appealed to the following years. He might say, that, because there were various executions in 1833, they had proved deterrent in 1834, 1835, and 1836. But while it is true that in 1834, 1835, and 1836, no executions and no convictions took place in London, as had been stated, yet I must remind my hon. Friend, that during the same period several took place at Horsemonger-lane gaol—which, as regarded the population, might be said to be comprised in London as much as any of the metropolitan prisons. My hon. Friend, however, reserved his strongest argument to the last, namely, the evils arising from public executions. I quite agree with him, that those evils are very great. Nothing is more to be deplored or censured than the desire exhibited by multitudes — and the facilities given them, for mere pecuniary gain, to gratify their depraved taste — to witness the last dying agonies of a fellow-creature suffering the extreme penalty of the law. This is an evil which all should seek to check; but some years ago, when a Bill was brought forward to alter the practice, none protested more against that measure than my hon. Friend, on the ground that it would be likely to perpetuate this kind of punishment; and yet my hon. Friend has made the evils arising from public executions his strongest argument. On this point, I can say no more than that I entirely concur with him in the censure he has cast upon the scenes attending public executions; but a public execution is not absolutely necessary. If that question comes before the House to be discussed on its merits, I shall be prepared to give my opinion; but I warn the House against supposing that it is necessary to the maintenance of capital punishments to have them public; and, therefore, the arguments of my hon. Friend have no direct bearing on that question. My hon. Friend has spoken of the opinions of two English and three Irish Judges, and several Recorders; but I will remind my hon. Friend that when those distinguished functionaries were examined before Parliamentary Committees, the great majority gave a decided opinion that capital punishment could not be dispensed with in cases of murder. I confess that I can address no new arguments to the House in addition to what I have said on this subject on former occasions, I will only express the hope that the House will not allow my hon. Friend even to lay his Bill on the table; and that the opinion of the House will be so firmly and decidedly expressed as to leave on the public mind no doubt whatever as to the views entertained on this question.

Mr. BRIGHT: I am rejoiced to have heard the speech of the right hon. Baronet the Home Secretary, because it does not indicate that he feels quite so confident on this question this year as he did twelve months since. The right hon. Baronet commenced his speech by an allusion to this not being the time when my hon. Friend's proposition could be safely entertained. The right hon. Baronet would seem to admit by that that he was looking forward to a better time; and I suppose he means a time which is not far distant, when the proposition of my hon. Friend the Member for Dumfries may be taken into consideration, and may become the law of the land. The right hon. Gentleman has also, as the House will observe, repeatedly, during his speech, repudiated any conclusion drawn from the statistics of this question. I agree with him in thinking that statistics cannot be absolutely relied on with regard to this subject, because they are so likely to be disturbed; and I should not urge that the question should be decided on the figures connected with it, although I do not fear the conclusion to which they lead. But the right hon. Baronet has avoided throughout his speech any defence of the present system on any ground of principle. He has asserted that nations are not prevented by divine law from putting individuals to death when the public safety requires it; but he does not assume that we are bound by that law to inflict capital punishment, or that it is impossible that a time may come when the public safety, even according to his own view, may no longer require it. Now, I think this is a question which at this moment is invested with peculiar interest, because recent events have brought it before the public view in a manner which demands attention. And when it was said by some persons that the cause of my hon. Friend might suffer if he brought the question forward at this moment, I gave him my opinion that there never was a time when it was so much his duty to bring it before the Legislature as on the present occasion. We all wish—nobody, I am sure, more than the right hon. Baronet—that public executions — that capital punishments—should be done away with; but, unfortunately, public executions, that is to say, the infliction of capital punishment, is so ancient a practice—at least, nearly as ancient as crime—that we have become used to it, and men do not investigate carefully the grounds on which a contrary practice is urged on this House. I agree with the right hon. Gentleman as to the limits of the question; I believe it is unnecessary to go into what is called the Scripture argument. The hon. Baronet the Member for Oxford University is not present, and as he was the only Member who used that argument last year, it may not be necessary to say any thing in contradiction of it now. But there is one thing which may be said for the conversion, if it be possible, of such Members as the hon. Baronet the Member for the University of Oxford, and that is, that for some centuries after the introduction of the Christian era, no person holding, or professing to hold, the Christian religion was known to interfere in capital punishments. It is on record that a Roman emperor removed Christians from the office of prefect, and refused to appoint them to that office, upon the ground that their religion prevented them from adjudicating in cases of capital punishment. And we have it upon the testimony of a learned historian, that up to the period of the fifth century Christianity was understood to forbid its converts to be implicated in any degree whatever in the infliction of death upon criminals. We come then to the simple question of expediency, upon which I am ready to rest this case, although I think a great deal might be said upon it on grounds of principle, with which expediency has little or nothing to do. The right hon. Baronet said he would not rely upon statistics; but there can be no doubt that statistics prove this—that in those countries where capital punishments are not now, and have not been for many years inflicted, the lives of the inhabitants are at least as safe as they are in those countries where they are still inflicted. There can be no doubt that in the New England States of North America, in Tuscany, Belgium, Sweden, Austria, Prussia, and France — that in all those countries where capital punishments are rarely or never inflicted, human life is just as safe as it is in Spain, or in England or in Ireland—in the former country, where capital punishments are very frequent, or in the two latter countries, where they have been much too common. But our past legislation, I think, affords no proof of the advantages of capital punishment. I recollect a passage in a very admirable piece of biography—I mean the life of that most excellent man the father of the hon. Baronet the Member for South Essex, which bears upon this point. In the *Life of Sir Thomas Fowell Buxton, by his Son*, that eminent man is reported to have stated, in a speech on this very question of capital punishments, that within the lifetime of persons then living not more than fifty or sixty offences had been capital—that this House went on increasing the number of capital offences until they amounted to 250, and that having reached that enormous amount, the Legislature found all its efforts ineffectual to repress the commonest offences by this punishment. And from 250 capital offences some twenty-five or thirty years ago, the House has very wisely come down until now practically we have only one offence which is punished with death; and there is a strong argument to be drawn from this fact—that whereas hanging men up at Newgate, by the dozen occasionally, was not sufficient to put down even common and minor offences, I cannot conceive how the same punishment can be effectual to put down offences which are committed under circumstances of intense passion in most cases, and under a condition of mind in which, I am quite sure, the deterring effect of any punishment must be exceedingly small. Now, hanging for horsestealing, or for forgery, or for burglary, or for coining, did not and could not suppress, or even prevent, the increase of those crimes, and the House has admitted it by abolishing the punishment. Well, then, how can it have an effect to put down the crime of murder, which is almost always committed under circumstances which shut out from the contemplation of the criminal the consideration of that which must follow from the offence? I am of opinion that the effect of punishment to deter from crime has been at all times greatly over-rated, and this is probably at the foundation of much of the error which has prevailed with regard to the measurement of punishment for particular offences. Now, take the cases which have recently occurred. I am glad this question has come on now, because of those cases, for they afford the best possible illustration for those who oppose the punishment of death. If the abolition of this punishment cannot be defended upon that most awful case at Norwich, I say our principles and policy are not worth defending at all. Now, take the case of the individual who suffered death the other day at Norwich. Does any hon. Member of this House believe that the threat of any punishment, either in this world or the next, could have deterred that man from the crime which he committed? It was evidently long contemplated. It was the crime of an educated man. It was a crime committed on calculation. It was the crime of a man of remarkable ability in some points of view. Every precaution was taken to escape discovery; and there can be no doubt whatever that all punishments which legislatures or courts of justice could have inflicted would have had no effect in deterring him from his grave offence. Take the case that occurred at Bristol, and the same argument will apply. The murder there was not premeditated. It arose from great aggravation. It arose from sudden impulse, when the opportunity offered; and there can be no doubt in that case, precisely the same as in the other, that the idea of the punishment was wholly shut out from the contemplation of the criminal. There are other cases to which I might refer where the same argument might be used. But now I would ask the House to consider what is the effect of these executions. The right hon. Baronet, if I understood him, admits that the effect of these executions on the public assembled to witness them is bad. But the object of a public execution is to bring people together. And they are brought together that they may see the awful punishment which the law assigns to certain offences. Now, we have it in the public papers that at the moment when that murderer at Norwich fell, there was a shout of execration from the thousands that were assembled. I ask the House whether that shout of execration did not arise from that feeling which is the source of murder—whether it did not arise from a vindictive feeling, out of which must necessarily have sprung the deed in his case—the very offence for which he suffered? There can be no doubt that among the twenty thousand persons who, we are told, were there assembled, a large number returned to their homes in some degree more ready to commit a crime of violence than they were before they had attended the execution. We have it upon the page of ancient writers, and I think it is especially mentioned by St. Augustine, that gladiatorial exhibitions and the execution of criminals in the circus had the effect of increasing crime—that they increased the ferocity of the people, and that the sight of those cruel acts made the people less merciful, and more inclined to the commission of crime. But that case at Bristol is one of a still more horrible character. I cannot conceive how any Government can continue, or wish to continue—I believe the right hon. Baronet does not wish to continue—a punishment which can lead to scenes so frightful and disgusting as took place at the recent execution at Bristol. What can be more appalling than the sight of half-a-dozen men dragging a woman of 18 or 20 years of age—a woman untrained, most ignorant, to some extent partly imbecile—dragging her to a public execution, and clergymen coaxing or exhorting her to walk quietly to the scaffold. Now, what could be the effect upon the multitude assembled to witness that execution? I do not believe there is a single Member of this House who can be of opinion that the effect of that execution upon any human being who witnessed it would be otherwise than most unfavourable for the very purpose for which these executions are assumed to take place. There is another very strong argument with regard to the publicity of these punishments. I think it invests criminals with a character which is bad for the criminal and for the public. There was an execution in Wales the other day—I think at Brecon. When the individual was convicted—when the jury had pronounced him guilty, or when the judge had sentenced him—some person in the court called out to him and said, "Now, Jem, mind you die game!" That was the expression of some person, a comrade it might be of his, who was in the court and saw all the awful scene. And the man did "die game," according to their views; and the sheriff, and the clergyman, and every officer connected with the execution of that criminal, I believe, would say that the effect of that single expression in court had been most unfavourable upon his mind—that during the whole period that elapsed between the trial and the time of his execution he was maintaining the resolution to "die game." He was not listening to the chaplain. He was not preparing himself for that tribunal before which he was so soon to be sent; and his accomplice, or his comrade, and such as he who witnessed the execution, would, of course, glory in the hardihood exhibited, and the defiance which this criminal bade to the law and to its terrors. But there is another point connected with this which I think important. Why is it that the newspapers give such great notoriety to these cases of murder? Why, chiefly because there is the death of a human being in the question. If the murderer was to be subjected to a punishment short of death, do you think your newspaper offices would have been crowded in all the towns of the country waiting for the newspapers with all the horrid particulars of the Norwich execution or the Norwich case? No. The murderer would be a murderer, but he would not be a hero; and you would find that that most mischievous appetite which is created under these exciting circumstances, and which among the feeble, or incapable, or vicious portion of the population brings on a repetition of the offence, would no longer be created and excited. Now, I have some cases of the results of that kind of excitement which I think are striking. Some time ago a young man in the town of Manchester—in the open street—shot a woman who was either his wife, or with whom he had been living as his wife, and who for some cause had left him. He was executed at Liverpool. Very shortly after a young man in the open street—precisely as in the former case—cut the throat of a young girl to whom he had been paying his addresses in the town of Stockport. Neither of them denied the crime. In fact, there were many people in the street at the time the offences were committed. Well, that young man at Stockport was also hanged. Almost immediately afterwards, a young man at Leeds stabbed a young woman to whom he was paying his addresses—stabbed under circumstances which made his escape impossible. He returned immediately to his house, and there could not for a moment be a doubt of his guilt. Since that there have been two other cases. I have not the particulars, but in one there was a murder followed by suicide, and in another there was an attempt at murder which did not succeed. Now, these cases are evidently all of the same class. They have been committed under almost precisely similar circumstances. They have followed in rapid succession; and I believe that the fact of the great notoriety of these cases—first of all, of the offence, then of the trial, then, and which is made still more notorious, of the execution, and all the horrible circumstances attending the execution—I believe the effect of this has been, to induce the commission of these offences in as great a number as I have stated. The right hon. Baronet the Home Secretary, in reply to my hon. Friend's argument as to the irregularity and injustice of this punishment, appears to me to have used arguments which are utterly fallacious. He says, my hon. Friend's punishment would not be more regular than this. I think the right hon. Baronet must know his argument was unsound. If you had a punishment short of that of death, it is clear you would not find men acquitted while there was a moral, I may say a legal, certainty of their guilt; and although there would still remain a difference in the guilt of criminals, as there is now, you would be able, in some degree, to apportion the punishment to the guilt. For instance, if the punishment was perpetual imprisonment, you could, if you thought fit, after a certain period, relax its rigours with regard to those whose offence was not of the blackest die, and you could continue it in all its severity to those who had committed offences of the very highest nature. But the right hon. Baronet must know that the present irregularity of punishment is a thing which saps the very foundation of your judicial system altogether. It is quite notorious that juries in many cases allow men to escape, of whose guilt they have a moral certainty. A friend of mine has a letter from a physician in a town in the north of England, in which he states that he knows that not less than four murderers are now at liberty in his district, every one of whom has been tried, of whose guilt there cannot be a shadow of doubt, and is not in the minds of the people; and yet they have been tried and acquitted, and acquitted on this ground solely, that men were on their juries so conscientious on this point, or so timid, that they seized upon objections which were not valid, and, rather than send these men to the scaffold, they allowed them wholly to escape. Now, upon the principle of my hon. Friend the Member for Dumfries, these men would not have escaped; they would now have been enduring a punishment commensurate with their crimes. But I would ask the right hon. Baronet's attention to one or two cases which have come very distinctly and painfully under his own notice, and I apologise to the right hon. Gentleman if anything I may say shall call up recollections that may be painful; but he will, I am sure, admit that this question is of so much importance that a Member of this House, holding such strong opinions as I do upon it, is bound to lay the whole case before the House, with the view of bringing about such a change in the law as he may believe to be desirable. Now the right hon. Baronet will recollect a case at Durham last year, in which two men were convicted of the murder of the Duke of Cleveland's gamekeeper. One of those men was hanged. The other was not. The ground taken was, that it was believed the shot fired by the one man produced the fatal effect. The evidence was to that effect. I have it from very good authority that not only the man who was executed, but his comrade who was reprieved, was of opinion that the selection had fallen upon the wrong man, and that the man who was hanged had not fired the shot which had taken fatal effect; and, I may add, that that also is the opinion of others who were interested in the case. I find no fault with the evidence, nor with the opinion of the Judge, nor with the decision of the right hon. Baronet, if it was fair to make a selection upon this ground; but I am bound to believe that the right hon. Baronet did shrink from the hanging of the two men upon the evidence; and that, under the circumstances, if one was reprieved, the other should also have been reprieved. But what was the effect of that execution? At this moment there are two men awaiting their trial at Durham for the murder of another gamekeeper, whose murder, it was said, was contemplated by the two men convicted last year; and there is a strong belief that the murder which has taken place this year has been in revenge for the sacrifice of the life of their comrade who was executed last year; and I know that persons who gave evidence last year on that trial have not felt they were so secure as before in their ordinary passing through the country, owing to the excited and irritated feelings which had been produced by the results of that trial. The right hon. Baronet will recollect another case—the case of a young woman who was convicted of a murder last year near this House, and who was not executed. Now, the right hon. Baronet was probably of opinion then, and may be now, that the reprieve of that criminal was not a course which, under the present state of the law, ought to have been taken. But compare the case of Annette Myers with Harriet Thomas, and you will see that to reprieve the former, and to hang the latter, is an administration of the law that cannot create respect for it, or any belief in its justice or impartiality. I was glad that Annette Myers was not hanged. I received a letter from the family of the soldier whom she murdered, requesting me to apply to the right hon. Baronet the Home Secretary, and to express a hope on their behalf that she might not be executed, and it speaks well for that family, that they had such a feeling; but it was a feeling that was participated in almost through the whole country, and the Home Secretary only obeyed the public sentiment in the course he took on that occasion. I believe it is a practice with the right hon. Baronet, and with Gentlemen holding his office, to refer those cases to the Judges where application for a commutation of sentence has been made. But how difficult it is to arrive at a proper conclusion with regard to these! There are fourteen Judges, I believe, who go circuit. Before the whole of these, I presume, at times these cases come. Here are fourteen or fifteen men to whom reference is made. They are not asked in the capacity of a jury, of whom a majority may decide, but one Judge is asked with regard to this case, and another with regard to that, and the opinion of one Judge varies very much from the opinion of another. Now, there was a man recently convicted at Newcastle. He was convicted of murdering his own child. The jury recommended him to mercy. The Judge asked on what ground. They said, on the ground of their hostility to capital punishments. The Judge observed that that was not a ground he could entertain. A deputation afterwards waited upon the Judge, who said that he would be delighted if they could suggest anything that would serve as a ground upon which he could recommend a lesser punishment. But suppose he was a Judge of another character —a man with strong opinions in favour of capital punishment—a man of stern and unrelenting character—then you would find that the right hon. Baronet from one Judge would get an answer that would justify a reprieve, and from another an answer of an opposite character, though the cases and facts might be precisely the same. Well, then, I say that a punishment which is so hostile to the opinion of juries—which places the Home Secretary in this painful, I will say this distressing, position—the execution of which depends upon the opinions of twelve or fourteen men of varying temperament—I say that a punishment like that is not fit for this age and country, and is one which, with our regard for justice and law, ought no longer to be retained and practised. Now, with regard to public opinion, the right hon. Baronet appears to me to be in some degree not willing to take into his view the strength of opinion on this question. The right hon. Baronet will recollect a case of execution last year at Monmouth, where nearly every householder and every male inhabitant sent a memorial entreating that the execution might not take place. [Sir G. GREY: It was not upon the merits of the case; they objected to the execution taking place at Monmouth.] The right hon. Baronet says it was not upon the merits of the case. The memorialists did not wish it to take place at Monmouth; but if you took it to Newport you would have had a similar memorial from there. It was not because the people of Monmouth had a greater objection to it than the people of Newport or Abergavenny would have had that they memorialised. How many memorials has the right hon. Baronet had from Bristol? I am told that 3,000 women signed a memorial praying that Harriet Thomas might not be executed; that as many men did the same; that five different religious congregations also forwarded memorials; and that the mayor, the magistrates, and the authorities, I believe, of Gloucester also sent memorials relative to the same case. Surely this proves that public opinion is running very rapidly in the direction to which, I feel certain, the right hon. Baronet only wishes it might run faster, in order that it may call upon this House, in a voice not to be resisted, that this question may be settled in the only way it ever can be settled in a Christian and civilised country. An intimate friend of mine is very active upon this question —I allude to Mr. Gilpin of Bishopsgate-street — and when this question is settled, I believe that his name will be ever known in connexion with it. I have had information from him as to a large number of meetings—probably fifty—that he has attended in various parts of the country. There has never been a question, however exciting, however interesting, which has gathered larger assemblies in the largest rooms in every city—not of passionate and hasty persons, ready to pronounce against the punishment of death, but of persons prepared to argue the question dispassionately, taking into consideration the statistics which the right hon. Baronet is disposed to cast aside; and from all these meetings there have come most unanimous declarations which attest that the public opinion is ripe upon this subject. Now, the right hon. Baronet has some difficulty upon one point. He has not faith in this House with regard to the question. He believes that in the course he takes he is acting in accordance with the preponderating opinion of Parliament. I do not say what the House of Lords would do; but I believe the right hon. Baronet mistakes if he thinks you would not go with him in abolishing the punishment. I believe, also, that five-sixths of the hon. Members of the House have not considered the question minutely, because it is not a party question. You must grapple with it. Why take it for granted that, because people have been put to death for generations or for centuries, you ought to go on hanging still? Recollect that "custom without truth is but agedness of error." We are about to discover that at this time of day, and in this country—with public opinion as it is—with the undoubted fact that public opinion in favour of the sacredness of human life, is ten thousand times more powerful to preserve it than all the terrors of the law; under such circumstances we shall come to the conclusion that this question must be settled, and that the death punishment will be abolished by the House if the right hon. Baronet will propose it. Suppose he were to come down with a proposition that the punishment should be abolished. What would be the result? I believe there would not be six men out of the 656 who would object to it—not a man who would move an amendment to it. It might be suggested that the measure should be temporary—an experiment for five or ten years—and I should be willing even to consent to that. Now, the right hon. Baronet has more influence in this matter than anybody else. He is, in his present high office, the one authority in the kingdom. His dictum would still the fears of the timid—the doubts of the hesitating. It would put an end to the indifference or opposition which prevails now in the House to a considerable extent, and, throughout the whole kingdom there would be an almost universal acknowledgment that the Government and the right hon. Baronet had acted in accordance with the intelligence and experience of the age, and that they had done that which was in accordance with common sense and Christian principle. Now, I have shown, I think, that statistics, so far as we have gone into them, do not prove that life is more secure in this country than in countries where capital punishments are not inflicted. I have shown that our past severity has failed; that we have had sixty capital offences, which number has been raised to 250, and has now been reduced to one; that the infliction of death did not deter from the common offences, and that it cannot be expected to succeed better in the case of the gravest crimes. I have shown that executions excite the passions which are the sources of murders; that the notoriety which is given to these cases is evil for the criminal and the public; that some guilty persons escape, while the innocent may suffer; and that the greatest irregularity and injustice inevitably prevail. Two cases which recently occurred—the one at Norwich and the other at Worcester—are illustrative of the truth of the proposition I endeavour to establish: the Norwich criminal was a much greater criminal than the one at Worcester—the one a hardened and a calculating murderer, and the other an almost imbecile, a wandering, incapable vagabond, to whom the leniency of the Crown, according to the opinions of great numbers in Worcester, might have been extended. But let me say that the right hon. Baronet is more interested in having this punishment abolished than any other man in England. The Judge upon the bench does not suffer so much as he. The jury do not suffer, because they decide according to fact. The Judge decides according to law; but the law gives to the Home Secretary a veto, which throws upon him the full, the awful responsibility of the execution of the punishment. No doubt, the right hon. Baronet has exercised the awful duties of his office to the best of his judgment and conscience; but how much more gratifying would it be to his feelings to be relieved from the responsibility attaching to such an office. It is on all these grounds, and assuring the House that I feel more strongly on this question than upon any other that can come before it, I have the greatest pleasure in supporting the Motion of my hon. Friend the Member for Dumfries.

Mr. H. DRUMMOND said, the hon. Gentleman who had just sat down had argued the question with his usual ability; but he thought he had the happiness to have heard the same speech before. ["No, no!"] Yes; he remembered precisely the same appeal to the right hon. Baronet—he remembered the same remarkable cases from Durham—and he remembered, too, the answer which was given to those cases at the time. The hon. Gentleman the Member for Dumfries, who began the debate, anticipated that in a short time the law enforcing capital punishments would be repealed. He confessed, he, for one, should not be surprised at it; for he saw every day increased morbid sentimentality, increased false humanity, and increased sympathy with murderers on every side. He had seen the petitions which came to the Secretary of State for the pardon of murderers with unbounded disgust; for he saw that, so far from any reverence for human life being manifested, it was just the reverse: there was a total indifferentism towards murder, and a sympathy with murderers. It was unfair in the hon. Gentleman the Member for Manchester to say that the right hon. Baronet the Home Secretary anticipated the time when this law would be altered. He (Mr. H. Drummond) understood him to say nothing of the sort. That murders had increased, there could be no doubt. They had increased not only in frequency, but in intensity; and he believed, that they had done so mainly because murderers were made heroes in that House; and because these debates, which had gone abroad, instilled into people's minds the idea that, after all, murder was not such a detestable crime as in the dark ages people were accustomed to think it. One argument used was, that murderers said they did not care for being hanged. He wondered if the people who used this argument were ever at school. At school it was common enough to hear boys say they did not care for being flogged; but at the same time they all knew very well that boys did care for being flogged, and that their fear of a flogging did prevent many offences from being committed. With respect to secondary punishments, which people were so anxious to substitute for the punishment of death, nothing could be so fatal as to look to public opinion, expressed at public meetings, as their ground of action. If they adopted secondary punishments, of course they must have places where secondary punishments could be inflicted. He had lately presented a petition to the House on this subject; and he wished the House to hear what people would say on the other side. The petitioners complained that, judging from the splendid buildings which were erected to carry out the cellular system, it was and must be a most costly outlay. Separate apartments were required, which should be lofty and spacious, well warmed and ventilated, with conveniences and even luxuries which were known only to the opulent; the diet, also, was required to be generous, in order to sustain the mind and body, and prevent them from wasting away in idleness and *ennui*. Now, no sooner would such establishments be built, than a mass of petitions would be poured into the House, as much as those that were now directed against the punishment of death. The hon. Gentleman who spoke last, said, that they might mitigate and modify the punishment for murder—that while some were confined for life, others might be liberated on their good conduct.

Mr. BRIGHT: I did not say so. I said, it might be possible to relax the imprisonment with respect to hard labour or solitary confinement. I referred to no provision for their coming into society again — it is the present law that does that.

Mr. H. DRUMMOND begged the hon. Gentleman's pardon, as he had misunderstood him. They were told that this was not a theological question, and undoubtedly he was not going to talk theologically. But there was one plain sentence in holy Scripture, to which he could not but advert —"He that sheddeth man's blood, by man shall his blood be shed." An hon. Gentleman had said, that they were not bound by the Christian religion so to act. No, certainly not; they might act in defiance of it if they pleased; but if they did, they must take the consequences; and these consequences, he believed, would be, that not only murders would be increased, but also deeds of violence.

Sir E. N. BUXTON felt reluctantly bound to say that he was not prepared to vote for the Motion of his hon. Friend the Member for Dumfries, inasmuch as it seemed to him that they had not yet arrived at that point at which they could say that there was so great a difficulty and uncertainty in obtaining convictions for murder that they must abolish the punishment now attached to the crime. On the other hand, it appeared to him that there was a growing dislike amongst the people of this country to convictions in capital cases. He had observed instances of this in the county he represented, where some atrocious cases of poisoning had occurred. In one case, a woman charged with poisoning her husband was now at large; but so convinced was the prosecutor of her guilt, that he tried her again on a second indictment, and he (Sir E. Buxton) had no doubt upon his own mind that she would have been convicted if the punishment were not death. In a second case, there was a conviction; but again, in a third case, also that of a woman, there was no conviction. If they found that there was an increasing difficulty in getting convictions in cases of murder, they would thus be only adding to the evil by retaining the punishment. He believed it would be a much better check to crime to have a certainty of punishment in a diminished form, than a severer punishment if uncertain. While he could not assent to the Motion, he thought that before long they might, through motives of expediency, be obliged to come to the conclusion it involved. He entirely concurred in the remark of the right hon. Gentleman the Secretary of State for the Home Department, that public executions were a great moral evil; and he would suggest, as public trials took place within the limits of a building, so should executions. It was well known that at Norwich a much larger number of persons desired to be present at the trial than could be accommodated; and he saw no reason why executions should not take place within the precincts of the gaol; so that although they would be public like the trial, very few could be present at them.

Mr. BROTHERTON said, that after the powerful and eloquent speech of the hon. Member for Manchester, he did not think it necessary to trespass beyond a moment on the attention of the House. The hon. Gentleman who had just resumed his seat, and the right hon. Baronet the Home Secretary, had told them that, in their opinion, the time was not yet come when the country ought to dispense with capital punishment. He would humbly ask what was the symptom whereby they were to know when that time would come? He had often heard it said that they were a Christian Legislature, and that they lived in a Christian country. But when he came to consider the important injunction respecting our rule of faith, he very much feared that they disbelieved the principles they professed, by not looking more to the reformation of society for the prevention of crime. It was fully shown and admitted that capital punishment did not prevent crime, and that it had a demoralising effect on those who witnessed it. It was the duty of the Legislature to act on and inculcate the principle of cherishing the sacredness of human life; for if they should disregard it, how could they expect the people, generally, to pay respect to it? He believed, although some of the Judges were favourable to capital punishment, that the improved education of the people had given rise to a strong public feeling against the taking away of human life. It was recorded of a judge having stated that a man who would cut down a tree would take away human life—and a man was hung for cutting down a cherry tree in Essex. Lord Campbell, in his *Lives of the Lord Chancellors*, related of Lord Loughborough, that he thought the change of burning to hanging would have the effect of awing those who beheld it, and deterring from the crime of murder. When it was the habit of judges to condemn to burning, public opinion was found to be very much opposed to it, as it was now opposed to hanging. He wished to see the punishment of death totally abolished. He believed that by such a measure crime would not be increased, while by it they would be acting in accordance with justice, humanity, and sound policy. After the eloquent speech of the hon. Member for Manchester, he (Mr. Brotherton) did not feel himself called upon to enter more fully into the question, but would give his cordial aupport to the Motion.

Sir G. STRICKLAND entirely dissented from the opinion expressed by the hon. Baronet the Member for South Essex. He hoped to live to see the day when capital punishment would be nearly if not wholly abolished; but he hoped he would never live to see it take place privately. His horror of an execution would be ten times greater if it were to happen in a private manner. From an early period of his life he entertained a horror of capital punishment, but on grounds different from those taken by other hon. Gentlemen. Having been called to the bar, he went circuit for a few years, when he became so deeply impressed with the imperfect character of all human tribunals, that he felt thoroughly convinced that in some instances the innocent had been found guilty, and were wrongfully executed. He had seen poor wretches in the dock struck with such terror at their position as to be unable to defend themselves. He had the satisfaction of seeing that state of things altered, and of having assisted in giving counsel to the prisoners, which was not previously the case. Still, when he considered that human tribunals must be imperfect, he thought they ought not to have recourse to that punishment which, if wrongly inflicted, never could be recalled. He believed that argument and public feeling were daily gaining strength in favour of the sacredness of human life; and he hoped the time was not far distant when capital punishment might be totally and safely abolished.

Colonel THOMPSON would submit, that the practical way to put an end to capital punishment, would be by setting about the preparation and improvement of some punishment not including death, and trying the effect of it on those cases or crimes which at present were spared from the actual execution of capital sentences. If this was proved effectual, there would be a disposition to trust the repression of murder to the same. But there appeared a total absence of such punishment at present, though there would be no difficulty in creating it. The public had not much confidence in transportation as now administered, even though declared to be for life; for there was always the idea abroad, that a criminal, by pretended reformation, would find some good-natured governor to send him back again. There should be a removal to some distant land, return from which should be made as hopeless as from death, with the single exception of innocence being subsequently proved. In this way the threat might be held out of cutting off from all that made life valuable, as effectually as by the rope, value fourpence, whose cheapness had been contrasted with the expense of penitentiaries.

Sir G. GREY hoped the public out of doors would not, from the description of the hon. and gallant Gentleman, be induced to adopt the idea that transported convicts were sometimes sent home by governors, because no governor had the power of exercising the prerogative of mercy. Transportation for life could not be altered, except by the express act of the Sovereign.

Lord NUGENT said, that if the supporters of the Motion wished for an argument confirmatory of their views, it was to be found in the actual state of crime at this moment. Not only statistics, but example and experience, were in favour of those views; so that the whole burden of proof rested with their opponents—first, that capital punishment had a tendency to repress crime; and, secondly, that crime could not be equally well repressed by any other punishment. He believed that the great majority of the Judges of the country were in favour of removing the punishment of death, and in corroboration of which, the opinions of Mr. Justice Wightman, Mr. Justice Coltman, and Mr. Baron Richards, were opposed to death punishment. Mr. M. D. Hill was also of opinion that the punishment of death ought to be abolished; because, he said, if we did wrong, we never could atone for it. [*Cries of* "Divide!"] In deference to the wish of the House to go to a division, he would at once conclude by appealing to those hon. Members who might have any doubt on their minds to lean to the side of humanity, and vote for the Motion.

Sir H. VERNEY said, that a quarter of a century ago, when acting with the father of the noble Lord who spoke last, on the Prison Discipline Committee, he felt as he now did as to the iniquity, abomination, and wickedness, of public executions. He held that they did not tend to repress crime, while they were abhorrent to humanity. He thought the Secretary of State should bring forward some Motion and test the feeling of the House upon the subject of some better mode for the punishment of criminals. A friend of his, a man of benevolent and humane feelings, attended the execution of Rush, in order to determine his mind on the subject, and he wrote to him to say that he was fully convinced that if men were no longer seen alive after their conviction, a much better effect would be produced on the public mind.

The House divided:—Ayes 51; Noes 75: Majority 24.

List of the Ayes.

Adair, H. E.
Adair, R. A. S.
Aglionby, H. A.
Anderson, A.
Barnard, E. G.
Blake, M. J.
Bright, J.
Brotherton, J.
Clay, J.
Cobbold, J. C.
Cobden, R.
Cowan, C.
Crawford, W. S.
Devereux, J. T.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Ellis, J.
Fagan, W.
Fox, W. J.
Gibson, rt. hon. T. M.
Greene, J.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, R.
Headlam, T. E.
Henry, A.
Heywood, J.
Heyworth, L.
Hobhouse, T. B.
Horsman, E.
Lennard, T. B.
Lushington, C.
Meagher, T.
Masterman, J.
Mowatt, F.
O'Brien, J.
O'Connell, J.
Pilkington, J.
Pryse, P.
Robartes, T. J. A.
Salwey, Col.
Scholefield, W.
Sidney, Ald.
Smith, J. B.
Strickland, Sir G.
Thompson, Col.
Thompson, G.
Thornely, T.
Trelawny, J. S.
Willcox, B. M.
Williams, J.

TELLERS.

Ewart, W.
Nugent, Lord

List of the Noes.

Abdy, T. N.
Baldock, E. H.
Berkeley, hon. Capt.
Blackall, S. W.
Brooke, Sir A. B.
Campbell, hon. W. F.
Clive, H. B.
Craig, W. G.
Dalrymple, Capt.
Denison, J. E.
Drummond, H.
Duff, J.
Duncuft, J.
Dundas, Adm.
Dunne, F. P.
Du Pre, C. G.
Ebrington, Visct.
Evans, J.
Ferguson, Sir R. A.
Fordyce, A. D.
Granger, T. C.
Greenall, G.
Grey, rt. hon. Sir G.
Haggitt, F. R.
Hastie, A.
Hawes, B.
Heald, J.
Heathcoat, J.
Herbert, rt. hon. S.
Hildyard, T. B. T.
Hope, A.
Howard, Lord E.
Jervis, Sir J.
Keogh, W.
Lacy, H. C.
Lewis, G. C.
Lewisham, Visct.
Littleton, hon. E. R.
M'Taggart, Sir J.
Maitland, T.
Martin, C. W.
Maule, rt. hon. F.
Maunsell, T. P.
Milner, W. M. E.
Mitchell, T. A.
Morris, D.
O'Connor, F.
Ogle, S. C. H.
Owen, Sir J.
Packe, C. W.
Palmerston, Visct.
Parker, J.
Peel, rt. hon. Sir R.
Plowden, W. H. C.
Portal, M.
Prime, R.
Pugh, D.
Richards, R.
Romilly, Sir J.
Sandars, G.
Sibthorp, Col.
Somerville, rt.

Spooner, R.
Stafford, A.
Stansfield, W. R. C.
Stanton, W. H.
Sullivan, M.
Thicknesse, R. A.
Townley, R. G.
Turner, G. J.
Verney, Sir H.
Watkins, Col. L.
Wawn, J. T.
Wilson, J. W.
Wood, rt. hon. Sir C.

TELLERS.

Tufnell, H.
Bellew, R. M.

CROWN PROSECUTIONS (IRELAND).

MR. KEOGH, pursuant to notice, then rose to call the attention of the House to the general management of Crown prosecutions in Ireland, at assizes and sessions, and to the expenditure incurred in these prosecutions. The subject, he said, was one of general importance to Ireland; and the system to which his notice referred, if only in a pecuniary point of view, called loudly for an alteration, seeing that large sums of the public money were expended upon these Crown prosecutions in a manner least calculated to produce the effect for which they were instituted. He did not intend, in bringing forward his Motion, to make the slightest charge against the Government, nor did he intend to refer to the late State prosecutions in Ireland, the more especially as he perceived his hon. Friend the Member for Montrose had a notice on that subject on the Paper, which would shortly be brought before the House; but although he did not intend to refer to those matters, he would have to occupy the attention of the House while he stated some facts in support of his Motion. No doubt the attention of Government had been wholly directed to far more important matters; but still it must not be forgotten that a system which involved a certain speedy and uniform administration of the law ought to form an essential ingredient in any plan for permanently improving the state and condition of Ireland. As regards the expenditure upon these prosecutions, he found that in the year 1847 a vote was taken for Crown prosecutions in Ireland amounting to 71,000*l.*, forming a very considerable sum in the Miscellaneous Estimates, while in 1830 the expense incurred was only 37,500*l.*, showing an increase of 34,000*l.* in the intermediate period. Another item to which he wished to direct the attention of the House was this: in the year 1846, the expense incurred in the nature of fees payable to counsel for prosecutions was 12,000*l.*, whilst in the following year, 1847, it had increased to the large sum of 19,000*l.*; and therefore, whether they consider the importance of this subject, as far as it was calculated to produce an efficient administration of the law in Ireland in the vast expenditure incurred in these prosecutions, it was one well worthy of the attention of the House and the Government. Indeed, it might resolve itself into a question of the propriety of establishing a public prosecutor, or, to follow the example of this country, in appointing Crown prosecutors for the different counties. Some time ago, the system adopted was to have a Crown solicitor in each of the different circuits. That system was continued down to the year 1842, when it was recommended by a Treasury Minute that these Crown solicitors should be made more numerous, with reduced salaries, and distributed over the counties instead of being confined to the circuits, and that system had remained in force ever since; and the result of it had been, of course, to increase the number of persons engaged in these general prosecutions. In addition, however, to these Crown solicitors, there were what were called sessional solicitors. Now, four-fifths of the Crown business was transacted at sessions; and yet, strange to say, small contemptible salaries were paid to these latter officers, which were barely sufficient to enable them to discharge their duties, whilst the assize solicitor received a much higher remuneration. Every magistrate in the country could speak to the inefficient manner in which the business of his country was managed by the Crown solicitors. They generally travelled in a great hurry through the country, and in most of the prosecutions they were called upon to conduct, they knew little or nothing of the case, being too often instructed by a police sergeant or a stipendiary magistrate; and when the prisoner came to the bar, he had the satisfaction of finding the prosecutor so ignorant of the facts of his case, that the jury had no alternative but to acquit him. That was the mode of proceeding at sessions, and a similar course prevailed at the assizes; and while such a system continued, it was impossible that the criminal business of the country could be well conducted. The consequence was, that the people speculated upon the chances of an acquittal; and how could it be otherwise, when they saw at every assize in eight out of twelve cases there was an acquittal, while parties who had listened to the trials left the court with the impression upon their minds that had an efficient prosecution taken place, a conviction must inevitably have followed? But this was not all. Unfortunately, within the last few years a system had obtained a footing, the operation of which was tantamount to a perfect denial of justice. Whether influenced by motives of economy, or a desire to improve the former practice, he could not say, but certainly the Attorney General for the last two years had come to the resolution that in what were called larceny cases, there should be no prosecution at all; so that, during the last two years, offences which did not come up to what were called Whiteboy cases were not prosecuted at all; and so long as that rule lasted, no expenditure of money, nor exertions of the Government, would be sufficient to suppress crime. Let him, in a word or two, point out the practical operation of this rule. The solicitor to the Crown did not take up larceny cases, because he was not paid for them; and in default of his looking after such prosecutions, the duty devolved upon the clerk of the peace, whose time was so much taken up with them at the sessions and assizes, that he was utterly unable to check the presentments and attend to the management of the fiscal business of the county. In the case of the county of Limerick, for instance, at a recent assize, the clerk of the Crown, instead of attending to that description of business, was engaged every day in conducting prosecutions, to the number of 230; in a great number of which there was an absolute failure of justice, owing to that gentleman having had no previous acquaintance of the circumstances of each case. But the instance of Limerick was not a solitary one; for there were many of his hon. friends in the House who were perfectly aware of similar systems prevailing in different counties in Ireland; and from one end of the country to the other there were heard nothing but complaints upon this subject, mingled with an earnest demand for an alteration in the system. There was another branch of the subject to which he wished to direct the attention of the House and the Government. Without making any invidious observations upon the knowledge of portions of the Irish bar, he might be allowed to say, that within the last few years there had been so many changes and alterations in the criminal law of the country, that for the due and proper conduct of the criminal business of Ireland, it was absolutely necessary that the Crown counsel should be well versed in those changes, and fully competent to carry out a prosecution with energy and ability. Now, what was the fact? Why, upon every circuit in Ireland the leading Crown counsel was what was called the "father" of the bar; in other words, as his title indicated, he was the oldest member of the bar; and, in fact and in truth, most, if not all, of the Crown prosecutors had held their offices for the last half-century. A memorial had been presented from one part of Ireland complaining of this—and very properly so, too; for a gentleman who had been so long called to the bar could not be very familiar with the changes which had since and were continually taking place in the law. Another branch of the system of administering criminal justice in Ireland loudly complained of was, the manner in which the duties of the stipendiary magistracy were performed, upon whom, of necessity, many functions rested of a highly important character. Now, from what class were those gentlemen selected? For his part, he generally found them to be retired half-pay captains — perhaps active partisans at elections; and yet they all knew, as he had already observed, upon no one did more important duties devolve than upon these officers—duties, too, which necessarily involved a tolerable acquaintance with the criminal law of the country. For instance, in the absence of counsel, the duty of preparing cases for prosecution at the assizes or the sessions devolved upon the stipendiary magistrate; and yet no care was taken to select them from professions fitting them for the office, such as barristers or solicitors, whose previous avocations would enable them to give proper consideration, and readily understand the cases brought under their notice. It could not be disputed, therefore, that in consequence of these defects in the legal machinery, there were frequent occurrences of an absolute denial of justice. The people of Ireland, ever remarkable for their astuteness, did not lose sight of these things; and, in committing crime, a man well calculated the chances of his conviction in the event of its being detected; so that those defects in the law acted, in point of fact, as instigators to the commital of offences. Without troubling the House, therefore, with further details, he thought he had stated sufficient to justify his asking Government for the appointment of a Committee on this question. Almost every commission which had sat upon the administration of the law in Ireland, had recommended a change in this system; yet, up to this time, no effectual change had taken place, with the exception of that made by the Attorney General, which had only served to defeat the ends of justice, and accumulate the expenditure. Upon these grounds —though he did not hope for any immediate amendment—he hoped the House would grant a Committee upon this subject, which would involve no protracted inquiry, but which might result in suggesting a change that would secure a certain, speedy, and uniform administration of the criminal law in Ireland.

Motion made, and Question proposed—

"That a Select Committee be appointed, to inquire into the general management of Crown Prosecutions in Ireland at Assizes and Sessions, and into the expenditure incurred in those prosecutions."

The ATTORNEY GENERAL said, before he proceeded to state to the House the short grounds why he apprehended this Committee ought not to be appointed, he must be allowed to thank the hon. and learned Member for Athlone for the tone and manner in which he had brought this question before the House. The hon. and learned Gentleman had abstained very properly from introducing topics of a personal or exciting character, which he might have had recourse to; and, following the same course and the same line of argument, he (the Attorney General) would endeavour, as shortly as possible, to satisfy the House that this case could be properly left in the hands in which the constitution had placed it—namely, in that of his right hon. Friend the Attorney General for Ireland. He must, in the first place, remind the House that the large increase of expenditure which the hon. and learned Gentleman referred to, occurred some time before his right hon. Friend the Attorney General for Ireland came into office; but having found, as his right hon. Friend did, from inquiries into the system, that a very expensive system had previously regulated the criminal administration of Ireland, he availed himself of the earliest opportunity, and his long experience, in effecting a reduction of the expenditure to the extent of one half; and he (the Attorney General) was surprised that his hon. and learned Friend, who formerly assisted in some of these Crown prosecutions under the old system, should not have found out, by his recent experience, the beneficial effects which had resulted from the alteration. His right hon. Friend the Attorney General for Ireland came into office early in 1848, or towards the close of 1847, while the excessive expenditure took place in 1846 and 1847; but immediately upon his taking office, he adopted measures for reducing it, which he would by and by state in detail, the results of which had proved highly satisfactory, and established his desire to faithfully discharge his duty to the country. Now, some years ago the practice in Ireland was the same as in this country—namely, criminal prosecutions were conducted at the expense of each county, and managed by local solicitors, who employed counsel of their own choice. At that time, none but extraordinary cases were prosecuted at the expense of Government; but with succeeding Attorney Generals changes were made in the system, and numerous cases were taken up by the Crown, which ultimately led to the adoption of a most expensive system. It then became the practice to have two counsel for each case; and when the two Judges on circuit were engaged upon criminal prosecutions in two courts, then it was usual to instruct four counsel to provide for each case, and the consequent expense of preparing four briefs was incurred. At this time, the Crown solicitor was paid by fees, and of course he did not stand very nice in making four briefs, and waiting to ascertain the necessity of such a proceeding. In 1834, Mr. Attorney General Blackburn issued a general direction to the Crown solicitor, which he would now shortly bring under the attention of the House. Mr. Attorney General Blackburn said, in his direction, that, with the concurrence of the Solicitor General, he proposed that in ordinary cases two counsel only should be employed on the part of the Crown, and that the fees payable to the advising and preparing the indictment in each case should be 3*l.* 3*s.*, and to his junior, 2*l.* 2*s.*, the Crown solicitor having discretion in cases of difficulty or importance of calling in the aid of two other Crown counsel, or when two courts were sitting, and cases were likely to come on in both courts. Now, the House would at once perceive that the matter was in a great measure left to the discretion of the Crown solicitor, who, of course, from the manner in which he was paid, considered every case of importance, and continued to fee four counsel and deliver four briefs in each case wherever two courts were sitting. In addition, however, to all that, there was the practice of delivering the depositions in all cases for his advice; but he should perhaps best illustrate this point by mentioning a particular case which occurred to his right hon. Friend the present Attorney General for Ireland. The depositions in two hundred and odd cases were delivered to him in one set, and indorsed upon all the cases was the general fee of thirty guineas, to advise upon the propriety of proceeding with the prosecutions; and, considering the station of his right hon. Friend, the House would agree with him in thinking that was a reasonable and moderate sum. But what was the practice when his right hon. Friend came into office? Why, he found that, in addition to this fee of thirty guineas given to him for advising on each case, or on all the cases in a bulk, when the Crown counsel went down on circuit, each case was submitted separately to him to advise upon, with a fee of a guinea each, so that he received 300 guineas for doing that which the Attorney General had already done for thirty. Now, his right hon. Friend came into office late in 1847, or early in 1848. At that time, or soon afterwards, under the direction of the Lord Lieutenant, he went down into the country to conduct a special assize, but his attention was then so much engrossed by the one matter he was engaged upon, that he had not an opportunity of directing his mind to the details of these charges; but on his return, and before the next circuit, he issued to the various Crown solicitors an instruction which reflected as much credit upon the judgment of his right hon. Friend, as the ready acquiescence in its terms was honourable to the profession of which the hon. and learned Gentleman who had introduced this subject was a member. On the 4th of July, 1848, his right hon. Friend issued this circular:—

> "1. No more than two counsel shall be employed in each case on the part of the Crown; this rule to apply to all cases, whether only one or both courts are disposing of criminal business. If only one is so occupied, the counsel to be employed are the permanent Crown counsel on the circuit; when both courts are engaged in criminal business, the two supernumerary counsel ought to be employed. When convenient, it will be advisable that one of the permanent and one of the supernumerary counsel should be employed in each court; but this is to be at the discretion of the senior Crown counsel, who will make such arrangements as he shall consider most conducive to the public service; but the expense of more than two counsel is not to be incurred in any case. In any case this will render it necessary that the permanent counsel should return any briefs they may have received, which, in consequence of both courts sitting in criminal business, they shall be unable to attend to."

It was very creditable to the bar that they had acquiesced in this rule. The second rule was this:—

> "2. When there are a number of cases of the same description, and only one or two witnesses to be examined, as, for instance, in prosecutions under the recent Act, for having arms without licence in a proclaimed district, as occurred in some counties on the last circuit, only one counsel is to be employed in each such case, and a very small fee paid."

The necessity of this rule would be apparent when the House was informed, that under the old system four counsel were employed at one assize town in each of eighty cases, arising out of mere matters of form under the Arms Act. The third rule was—

> "3. Cases in which prosecutions have been directed by the Attorney General are not to be submitted to counsel on circuit for directions (as is now done in all cases) unless in cases in which such directions are equally required by the Crown solicitor for his guidance, as when some of the witnesses do not attend, or their examinations vary from their informations: the object of this rule is merely to limit the cases for directions to those instances in which such directions are really required."

The House would remember that this rule was to meet the case where, after the depositions had been examined by the Attorney General, they were referred to the Crown counsel, who merely attached his signature to them, for which he received a guinea for each case. The remainder of the instructions were as follows:—

> "4. A similar course is to be observed in relation to indictments in these cases of frequent occurrence, in which a settled form of indictment is used, the expense of submitting them to counsel should not be incurred, but in cases of difficulty the present practice is to be continued; but when counsel receive their briefs (if any mistake has occurred in the indictment), they will of course have proper indictments sent to the grand jury.
>
> "5. Briefs are not to be given out to counsel until the prisoner has pleaded, the intention being that the expense of employing counsel shall not be incurred in cases in which the accused is not amenable, or pleads guilty.
>
> "6. The amount of fees where a trial is had, unless in cases to which the second rule applies, is to be regulated by Mr. Blackburn's letter of June, 1834, namely, not exceeding three guineas to the senior Crown prosecutor, and two guineas to each of the other counsel employed.
>
> "7. The Crown is not to be at the expense of defending prisoners; and therefore should the Court think right to assign counsel for a prisoner's defence, such counsel should act gratuitously, as is the case in England."

These regulations, he was sure, would convince the House that the matter might be safely left in the hands of his right hon. Friend the Attorney General for Ireland.

He held in his hand a return which would at once show the beneficial operation of these rules since the circuit of 1848. It was a return of the expenses incurred on all the circuits from 1840 to 1848. At the spring Munster assizes of the latter year, before the rules came into operation, 375 trials took place, at the expense of 3,223*l.* 10*s.*; at the last assizes, under the new rule, 348 trials occurred, at an expense of 878*l.*; so that nearly the same number had been tried for 878*l.* which had previously cost 3,223*l.* Now, did not that show that the matter might be safely left to the judgment of his right hon. Friend? At all events, he apprehended it was sufficient to justify the House in refusing to grant a Committee. What more could a Committee possibly do? While, if one were appointed, would it not be tantamount to saying that the right hon. the Attorney General for Ireland was not pursuing the right course—would it not, indeed, be casting censure on him for what he had really done? But, said the hon. and learned Gentleman who brought forward this Motion, in Ireland the office of Crown counsel was held in most cases by gentlemen who had grown infirm in the discharge of their duties. Well, was not that the case in England? Was it the practice of this country to dismiss gentlemen from their offices because they were somewhat advanced in age? Such cases did not call for the exercise of authority, but ought rather to be left to the good feeling of the gentlemen who held these offices, and it was utterly useless calling upon Government to remove them. He would now, with the permission of the House, just advert in a few words to the memorial to which the hon. and learned Gentleman had made some slight allusion. That memorial had been presented from the grand jury, who had made a contrast between the manner in which their assize business had been transacted by an aged Crown counsel, and the mode in which his right hon. Friend despatched the business of an adjoining county. Certainly that was a high testimonial of the ability of his right hon. Friend; but the mere fact of these gentlemen being dissatisfied with the result of such a comparison, was not sufficient to justify the Crown in dismissing their counsel. He thought it ought to be sufficient to convince the House that his right hon. Friend wished to discharge his duty to the best of his ability, and to use his utmost exertions to introduce some improvement into the present system. The hon. and learned Member had alluded to another point. He had said that there had been a failure of justice in consequence of the indisposition of the Attorney General for Ireland to prosecute every case of petty larceny, pocket-picking, and other matters of the kind. Now, he thought that the proper course had been taken in not prosecuting these cases. As the fees and cost for the preparation of briefs, in cases conducted by the Crown were great, the Attorney General for Ireland had given directions that only one fee should be handed to counsel in such cases, and that whenever the clerk of the Crown complained of the heaviness of expense in any case, only one counsel should be employed. The object which his right hon. Friend had had in view was, to save expense; and at the same time he secured the Irish bar from the abuses which were creeping into it with respect to the management of these cases, to take care that the administration of the criminal law of the country should not miscarry. He (the Attorney General) apprehended that his right hon. Friend had been successful in his endeavours in this direction; and he thanked the hon. and learned Gentleman opposite for the opportunity which he had afforded him of making this explanation to the House. But he thought the House would concur with him in thinking that it would be making a very bad return for the exertions which his right hon. Friend had made at the commencement of his career, and which he was about to carry out still further, to pass the apparent censure upon him involved in the Motion of the hon. and learned Member opposite. Having, as he believed, answered the charge which the hon. and learned Member had brought forward, he trusted that he would see the propriety of withdrawing his Motion.

Mr. KEOGH thanked the hon. and learned Gentleman (the Attorney General) for the manner in which he had been pleased to speak of the mode in which he had brought forward his Motion; but the hon. and learned Gentleman had paid him another compliment which he did not deserve. The hon. and learned Gentleman seemed to think he was going to make an onslaught on the Attorney General for Ireland—and had taken the trouble to defend him against a series of charges which he (Mr. Keogh) had never made. The hon. and learned Gentleman had not, however, said, one word upon some of the important topics which he had introduced. For instance, he had made no allusion to the management of Crown prosecutions by the Crown solicitors, a source of great expense to the country.

The ATTORNEY GENERAL knew that the hon. and learned Member for Athlone was not going to make an onslaught on his right hon. Friend the Attorney General for Ireland, for he had told him so at the commencement of his speech; but he was glad of an opportunity of refuting charges which, if not openly made, were insinuated. He thought he had disposed of all the topics in his hon. and learned Friend's speech.

Mr. O'FLAHERTY was glad to hear the admission that a reduction in the expense of these prosecutions had been commenced, and that it would be still further carried out.

Mr. HENLEY trusted he had not rightly understood the Attorney General to say that because a gentleman was old in his office, any delicacy should be shown with respect to his removal. Where the proper dispensation of the criminal justice of the country was concerned, he thought such a consideration superfluous. With respect to the reforms which the Attorney General for Ireland had introduced, they might be expected at first to cause inconvenience, but he trusted that they would be carried out still further.

Sir W. SOMERVILLE was happy to find that the reforms which his right hon. Friend the Attorney General for Ireland had introduced, had met with, he might almost say, the universal approbation of the House. It was also gratifying to know that the diminution effected in expenditure had involved no falling off in the efficiency of the system.

Mr. MONSELL thought it an unfortunate circumstance, that under the present system so small a proportion of persons committed underwent trial. The omission entailed injustice to the persons charged with offences, and expense to the country.

The ATTORNEY GENERAL doubted whether a Committee would have it in their power to obviate the objection of the hon. Member.

Motion, by leave, withdrawn.

The House adjourned at a quarter after Nine o'clock.

HOUSE OF COMMONS,

Wednesday, May 2, 1849.

Minutes.] Public Bills.—1° Defects in Leases.

2° Society for the Prosecution of Felons (Distribution of Funds); Chattels Partition and Sale; Bankruptcy (Ireland).

3° Sequestrators' Remedies; Exchequer Bills (17,786,700*l*.).

Petitions Presented. By Mr. Ker Seymer, from Bradpole, Diocese of Sarum, against the Parliamentary Oaths Bill.—By Mr. Fergus, from Dunshalt, Fifeshire, for an Extension of the Suffrage.—By Mr. George Sandars, from Wakefield, for the Clergy Relief Bill.—By Mr. Seymer, from Shaftesbury, and other Places, against, and by Mr. Stuart Wortley, from Ipswich, in favour of, the Marriages Bill.—By Mr. James Matheson, from the County of Cromarty, against the Marriage (Scotland) Bill; and from Tarvas, Aberdeenshire, and other Places, against the Sunday Travelling on Railways Bill.—By Mr. William Brown, from Eccleston, and several other Places in Lancashire, respecting the Lancashire County Expenditure.—From the Guardians of the Market Drayton Union, for the County Rates and Expenditure Bill.—By Mr. Bourke, from the Grand Jury of the County of Dublin, for an Amendment of the Law for the Protection of Sheep and Cattle from Plunder (Ireland).—By Mr. Bulkeley Hughes, from Portmadoc, County of Carnarvon, against the Navigation Bill.—By Mr. John Tollemache, from Out-Pensioners of Chelsea Hospital residing at Nantwich, complaining of certain Deductions from their Half-pay.—By Mr. Greenall, from the Warrington Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Parker, from Sheffield, for the Suppression of Promiscuous Intercourse.—By Mr. Fergus, from the Commissioners of Supply of the County of Fife, against the Registering Births, &c. (Scotland) Bill.—By Mr. Brotherton, from Lockwood, for an Alteration of the Sale of Beer Act.—By Mr. Masterman, from the City of London, against the Removal of Smithfield Market.—By Mr. Bulkeley Hughes, from several Places in Wales, for deciding International Disputes by Arbitration.

CANADA INDEMNITY BILL.

Mr. HERRIES begged to put two questions to the noble Lord at the head of the Government, of which he had given him notice. He must preface them by stating, that he viewed with pain and anxiety the present condition of Canada; and he hoped he should not subject himself to the charge of having acted with precipitancy in asking the noble Lord whether Her Majesty's Ministers were prepared to communicate to the House extracts from the votes and proceedings of the Legislative Assembly of Canada on the Bill for granting an indemnity for the losses sustained during the rebellion in Canada, and also any extracts or copies of the correspondence between the Governor General of Canada and Her Majesty's Government relating to that Bill? The next question which he had to put was, whether the sanction of the Crown had yet been given or refused by Her Majesty's Government to the Indemnity Bill?

Lord J. RUSSELL: Sir, no extracts of the votes and proceedings of the Legislative Assemblies of Canada have been received by Her Majesty's Ministry. Nor has there been any correspondence on the subject which it is in my power to lay on the table of the House. I must state, however, that the noble Lord at the head of the Colonial Department has received several private communications from the Governor General of Canada, in which it is stated, that the Governor General did not think it expedient to write any public despatches, as he conceived, that, by their being laid before Parliament, and thus being made public in Canada, the result would only be to increase the excitement already existing in those provinces. But I may be allowed to add, that the latest information from Canada authorises me to state, that the irritation and excitement are fast being allayed in those provinces. In answer to the second question of the right hon. Gentleman, as to whether the sanction of the Crown had been given or refused by the Governor General to the Indemnity Bill, I can only state, that when the period arrives at which the Bill passed by the Legislative Assemblies of Canada comes under his observation, the Governor General of Canada will be prepared and ready to exercise those discretionary powers which are vested in him. I may add, that the noble Earl the Governor General of Canada possesses the entire confidence of the Crown, and that, in the exercise of his discretionary powers as Governor General of the province of Canada, he will be deemed to have acted in a manner to protect the interests and prerogative of the Crown, and also to conciliate the interests of the British empire.

Mr. HERRIES: Do I distinctly understand the noble Lord to say that the Bill of Indemnity has not been referred to Her Majesty's Government for an ultimate decision?

Lord J. RUSSELL: No, it has not.

Mr. GLADSTONE: May I ask whether Bills passed by the Legislative Assembly of Canada are reserved and held back for a certain period previously to being sent up for the approval or otherwise of the Governor General?

Lord J. RUSSELL: I by no means wish it to be understood that I stated Bills were not sent up to the Governor General immediately after they are passed; but what I intended to convey was, that it was not usual for the Governor General to signify his decision with respect to such Bills until the Session was somewhat advanced, and that the various measures agreed to by the Assembly had come under his observation. I may also add, that there is no doubt to be entertained that when the Indemnity Bill comes under the observation of the Earl of Elgin, and that he is called upon to give his decision upon that measure, he will address a public despatch to the noble Earl at the head of the Colonial Office on that particular subject.

Mr. HENLEY: Do I rightly apprehend the noble Lord in supposing that the Governor General of Canada prefers addressing private letters to the Colonial Secretary in lieu of public despatches?

Lord J. RUSSELL: No; I said no such thing. But when a public servant, stationed, as the Earl of Elgin is, in a distant colony, does not think it expedient to address a public despatch to the Colonial Secretary, I conceive that he is not deprived of the liberty of stating in a private letter what he thinks of the position of affairs in the colony over which he presides. I may add, in illustration of this subject, that very serious mischief is sometimes produced by the publication of despatches in this country; and I refer particularly to an instance which occurred when I had the honour to hold the office of Colonial Secretary, when the Governor of Jamaica complained very seriously of the angry feelings which had been raised in that island by my having made public, by command, a despatch addressed by him to me as Colonial Secretary.

Subject dropped.

CATTLE AND SHEEP STEALING (IRELAND) BILL.

Order for Second Reading read.

Mr. BOURKE, having presented several petitions in favour of the Cattle and Sheep (Ireland) Bill, moved the second reading of the Bill. He considered that, in doing so, it would be only necessary to state some facts briefly for the necessity of the Bill, and to show how fearfully this crime had increased. In 1845, the number of offences under this head, reported by the constabulary, was 620; in 1846, the number reported was 3,025; and in 1847, they had risen to the startling number of 10,044, out of which only about 1,500 convictions occurred. It was not owing entirely to distress that an increase had arisen in that particular class of crime, but the fact was, that evil-disposed persons, who were to be found in every community, had availed themselves of the distress to commit depredations. The evil, he regretted to say, had materially increased during the last year. Mr. Baron Lefroy, in his address to the jury at the

Galway assizes, stated that the number of cases on the calendar was 764, of which there were 115 for sheep and cattle stealing, and 57 for cow stealing; and added that, although it might, in a great degree, be attributed to the failure of the potato crop, it could not be longer endured, now that efforts had been made to alleviate distress in Ireland. Mr. Baron Richards had also stated to the grand jury of the county of Kerry, that cattle and sheep stealing was on the increase, and that some effort should be made to put a stop to it. He begged to call the attention of the House to several letters which he had received from magistrates, and others, not only from places where distress existed, but from the county of Wicklow, which was peculiarly exempted in that respect, and which was remarkable for its good order, stating that scarcely a night passed without depredations being committed; and that, although the guilty parties were in most cases known, a conviction could not be obtained under the law as it now stood. The usual practice, after stealing the animal, was to skin it, and cut it up, and to destroy or dispose of the skin in order to prevent identification. One letter, dated the 13th of April, 1849, from a gentleman resident in the county of Clare, stated that, within half a mile of him, one farmer, in the course of last year, had lost 80 sheep by night depredators; and another, living five miles off, had lost 140 sheep in the same way. Another letter, from a magistrate in Kilkenny, expressed his approbation of the Bill, and his opinion that it was required by the present circumstances of the country, and the loss sustained by the small farmers, who generally concurred in its becoming the law of the land. The present Bill was merely the revival of an old one, which was repealed by the 9th of Geo. IV., c. 55, and which was in operation in Ireland for many years. It was generally regretted by all parties that it had ever been repealed. The Bill was introduced, in 1839, by Lord Morpeth and Mr. Pigott, and although there were only 272 cases of cattle and sheep stealing reported by the constabulary in the previous year, the Government deemed that a sufficient cause to recommend the passing of the measure. He, therefore, thought, when he showed by returns that there were now as many as 10,000 cases, that he was entitled to ask the Government to support the present Bill. A statute similar to this was to be found in the 7th and 8th of Geo. IV., which enacts, among other things, that every one to whose possession meat suspected of being stolen was to be traced, should be made to account for it in the same way as the present Bill provided. An enactment of a similar nature was to be found in force in Ireland as regarded timber. Now, he thought he had shown that it was not asking too much of legislation to endeavour to mitigate the dreadful evil which was so ruinous to the farmers in Ireland. It was the general wish of the inhabitants of Ireland at large, both of proprietors and small farmers—more particularly those very small farmers whose sheep were so few, and whose flocks were so small, that they could not afford to pay for watchmen to protect them during the night against nocturnal depredators—that this Bill should pass into a law. In corroboration of that he had a resolution, passed at the quarter-sessions of Waterford, signed by the Lord Lieutenant of the county, and by every magistrate there present. A number of petitions had been also presented in favour of the Bill, including not less than twelve grand juries of Ireland. It had attracted very considerable attention in this country, and all with whom he had communicated on the subject had concurred with him in opinion that the Bill should pass into a law. He hoped that the House would permit the principle of the Bill at least to pass into a law, which placed the *onus probandi* on the person in whose possession meat suspected to have been stolen was found, of showing that he lawfully and honestly came by the same.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR G. GREY said, he was afraid, notwithstanding what had fallen from the hon. Member for Kildare at the conclusion of his speech, he should still feel it necessary to give his opposition to the Bill. He certainly did intend on the part of the Government to have given the Bill, it its present shape, his most decided opposition; but, even with modifications, he did not see that the principles involved ought to enter into the legislation of the country. The hon. Gentleman had stated the extent to which the crime of sheep and cattle stealing had increased, and the number of cases which had been prosecuted, leaving a considerable number still behind, which could not be prosecuted for want of sufficient evidence to convict. But on that part of the question he (Sir G. Grey) had not a single observation to offer at present. What he did remark in the hon. Gentleman's speech was, that he had not stated what was the nature and provisions of the Bill, further than merely telling the House that it would throw the *onus probandi* on the party accused. He did certainly state that the Bill was a transcript of one introduced by his noble Friend the Earl of Carlisle, and the present Chief Baron of the Irish Exchequer; but whether it was so or not, that could have but little weight with him if he thought the Bill objectionable, and that he ought to oppose it. He thought the first clause was objectionable as re-enacting what was at that moment the law of the land, that justices of the peace, or magistrates, on being informed that stolen property was suspected to be in a certain place, should be empowered to issue a search warrant. That was already the law of the land, and he should certainly object to re-enacting it, as though there existed any doubt upon the point. But then the Bill proceeded to enact, that the search warrant being issued, and search made, the individual in whose possession any piece of fat beef or veal was found, should be dragged before the justice or sitting magistrate, who, without any discretion whatever as to the evidence that might be offered on the occasion, was bound to commit him to the common gaol for safe keeping till the beginning of the ensuing sessions. With such a clause as that, and with such another as threw the burden of evidence on the accused party, he did not see how the House could pass this Bill. When he had read it through, he intimated to the hon. Gentleman and his friends the objections which he entertained against the Bill, and that he could not consent to it in its present state; but the hon. Gentleman himself admitted the objections which he then named to him, and his recommendation therefore now was, that the hon. Member should withdraw this Bill, in order to introduce another for the same purpose, but with provisions of a different character. If a Bill were introduced on this subject, awarding to those convicted on proper evidence a limited amount of imprisonment, he was not disposed to object to it. He saw no reason to doubt that jurisdiction might advantageously be given to magistrates when parties were called upon to give an account of the mode in which property came into their possession. He could not help thinking, however, that the hon. Gentleman, in the facts which he had stated, had rather overlaid his case. He had stated that this offence had very greatly increased. Now, it certainly did appear that the commitments for sheepstealing, which in 1844 were 352, had increased to 2,830 in 1848; and there was no doubt that a very considerable loss had been sustained by the farmers of Ireland. But he must remind the hon. Gentleman, that out of these 2,830 commitments, 1,574 persons had been convicted, which showed that the difficulty of procuring a conviction was not so great as had been represented. The hon. Gentleman had spoken of an organised gang of sheepstealers, who were perfectly well known in the country, and who committed nightly depredations. He had stated that footsteps had been traced from the places where the sheep were killed to the houses where these persons resided, and that the remains of the sheep found in these houses had been proved to correspond with the fleece which had been left behind, In a case that occurred in his (Sir G. Grey's) recollection, blood had been found on the knees of parties, and on other parts of their dress; and he did not mean to say that under these circumstances there would be much difficulty in inducing a jury in England to believe that such persons were guilty of the offence of sheepstealing, although it was impossible for the plundered party to swear that a particular piece of mutton was his own property. If, however, the hon. Gentleman would analyse the 1,574 cases in which convictions were obtained, he believed that he would find many instances in which the owner could not swear to the identity of the mutton, and he thought that if greater care were taken in conducting the prosecution and getting up the evidence, the difficulties of a conviction would be much lessened. At the same time, he was aware that there might be cases in which it would be impossible to effect that object, as he was told that Irish juries were more indisposed to convict upon moral proof than English juries were. Under these circumstances, he was not prepared to say that, if a Bill were brought forward as a temporary measure, and limited to sheepstealing only, because no case had been made out for including cattle within its provisions, he should be indisposed to assent to the introduction of such a measure. If, therefore, the hon. Gentleman would withdraw this Bill, and bring in another limited to sheep, or if he would consent to go into Committee *pro formâ*, for the purpose of striking out those parts of the Bill which related to cattle, he should be sorry to offer the hon. Gentleman's views any obstruction. In assenting to this course, however, it must be distinctly understood that he should feel it to be his duty to object to the other provisions of the Bill.

Mr. SHARMAN CRAWFORD should oppose the second reading of the Bill, believing that it would rather increase and perpetuate than diminish the evil complained of, and because that in Ireland, at least, persons convicted of this offence did not care for the infliction of the utmost punishment which the law awarded. In support of this view, he would mention the case of the trial of four young men for sheepstealing, who pleaded guilty, and besought an assistant barrister who tried them to transport them, as, if they were liberated after a short imprisonment, they must commit some other crime, in order to provide the means of subsistence, for they were starving. He acceded to their prayer, and they were all transported for seven years, which seemed to gratify them exceedingly. This Bill provided that a suspected person might be brought before a magistrate, and if he could not show how the property came into his possession, and there was reason to think he had not come by it honestly, that he might be committed for not less than three months, or until a fine of *5l.* was paid. Why, this would induce persons to commit the offence, in order that they might obtain a comfortable asylum in prison. He opposed the Bill, and recommended its withdrawal, because he believed it would be altogether inoperative. Arbitrary laws might be necessary; and he, for one, would support such laws if they were likely to do good; but this measure was not of that class. From the facts quoted by the hon. Gentleman who had introduced the Bill, it appeared that the great cause of crime was absolute famine. Was it right, therefore, he (Mr. S. Crawford) asked, to pass a law like this against such a people as the Irish? The law as it stood was, in his mind, sufficient for the punishment of the persons with whom this Bill proposed to deal. Such palliatives would not do for Ireland. Great and sweeping measures would alone save that country from absolute ruin.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. GROGAN agreed with some of the arguments used by the hon. Member for Rochdale; but he did not agree with him in his conclusions. Because a few persons, who found that their ill repute prevented them from subsisting at home, wished to be transported when they were convicted, was property to be left at their mercy?—for his argument amounted to this. Was, therefore, no remedy to be applied to a glaring and monstrous evil? He denied that the increase of sheepstealing had arisen from the state of the country. It was true, poverty had increased; but he attributed the increase of this particular crime rather to the laxity of the law. He maintained that the crime of sheepstealing had been gradually growing and increasing; and he thought it was the duty of the House to take measures to suppress it. Many private Members had ineffectually taken up the subject; but, in his opinion, its importance demanded that it should be looked into by Government. The criminal returns of Ireland proved, beyond all doubt, that the farmers suffered terribly from the depredations of thieves, and he should cordially support the Bill.

Mr. J. O'CONNELL believed that this Bill would operate rather as an incentive to crime than as a prevention. After what the hon. Member for Rochdale had said, it was clear that if the House held out a prospect of a competent provision in gaol for three months, the offences against which this Bill was intended to guard, would not be diminished. If a measure of repression were necessary, let some well-digested permanent measure be introduced instead of the present Bill, which was confessedly of a temporary character. As he believed that the Bill would defeat its own object, he, for one, would vote for the Amendment.

Viscount BERNARD supported the Bill, and referred to a memorial which had been sent up in its favour from the grand jury of Cork.

Mr. BRIGHT said, the House seemed to argue upon the presumption that no Irishman could have any mutton in his house; because, according to the Bill, if any Irishman had any animal food therein, it was immediately to be suspected that it was dishonestly come by. The right hon. Baronet the Secretary of State for the Home Department had pointed out many defects in the Bill; and he (Mr. Bright) was at a loss to understand why, under such circumstances, the right hon. Baronet should consent even to a second reading. It was evidently a Bill that was quite intolerable, and one that could not be assented to for a single moment. The principle of the Bill was most absurd and unjust; there were also clauses in the Bill, and, looking on it in the most favourable light of which it was capable, he must say, that it appeared to be of such a nature as the House could never assent to. The right hon. Baronet the Home Secretary had shown no great necessity for any alteration in the law; for he said that out of upwards of 2,000 cases, more than 1,500 convictions had been obtained. The evil arose from the extraordinary distress which prevailed in certain parts of Ireland at this moment; and his opinion was, that, if they were to pass a law like the one proposed, they would lay open the population to informers, and to all the evil consequences of informers, to a degree that would produce an amount of irritation, and, probably, according to the custom which had prevailed in some parts of Ireland, of vindictive retaliation, which would only be worse than the evil which they attempted to remedy. He confessed that he could not support the Bill after what had been said against it by the right hon. the Home Secretary. It appeared to him that the Bill was exceedingly like one introduced by the hon. Baronet the Member for the city of Waterford some time ago as to summary convictions; and he was only sorry that the hon. Member, in bringing forward a measure for the preservation of property in Ireland, should have brought forward a Bill which the House could not entertain, and which would aggravate the evils he was intending to remedy.

Sir H. W. BARRON said, that it was the small class of farmers in Ireland who were particularly affected by this systematic sheepstealing which had taken place in almost every county in the south of Ireland. He was himself obliged to keep two men as night-watchers, with arms licensed, to protect his sheep. Was that state of things to be admitted in a civilised country professing protection to life and property? The noble Lord at the head of Her Majesty's Government had lately said, that the first duty of the House was to protect property in Ireland; he said that that was the paramount object of his Government. Let them prove that by their acts this day. He said, in bringing in a measure for the suspension of the Habeas Corpus Act in Ireland, that peace and security were ever the first things essential to civilise any country, and to place her in a proper state to receive improvement. This was one of the questions brought forward by Irish Members for the purpose of the protection of property. He wanted to know whether Government would support a measure of that description for the country. There was not one of his own farmers in Waterford that had not told him, within the last twelve months, that year after year he had been obliged to give up keeping sheep. He (Sir H. Barron) had procured an improved breed, and had given some of them tups to improve the breed. They brought them back again, and said that they were obliged to keep them in their houses at night, and that they were not safe during that time. If the farmers clothed themselves and their families with the produce of the sheep, would the House deprive them of that? Would they force them to go into the market to buy what was manufactured by their wives and daughters, without cost to themselves, at spare hours by night and day, promoting industry amongst the peasantry of the country, and giving them real and substantial advantages? Were they about to deprive the poorer classes of the peasantry of Ireland of these resources? Were they, from some absurd, unfounded, and ignorant assumption, to say that the people of Ireland were to be deprived of these means of clothing themselves, and giving profitable employment to their wives and children? And for what? On the absurd pretence that the least injury could possibly be inflicted on a man when he was brought before a magistrate to tell where he had got his leg of mutton. There was protection for the property of the rich; he asked for protection for the property of the poor. It was essentially the poor man's Bill, and if you rejected it, you would tell the poorer classes of holders in Ireland that they were no longer to have any sheep on their lands. He defied the Attorney General to find out any way of identifying a sheep when its skin was destroyed, and when the only marks by which it could be found out were carefully laid aside. What was done in parts of the counties of Galway and Roscommon? When a man had lost a sheep, he immediately collected some twenty or thirty of his neighbours, without a magistrate, without any legal threat, and went round from house to house to the suspected persons, and when he found a piece of mutton or a sheep in any of these houses, they brought out the man in whose house it was found, and gave him a right good beating, and in the next place they pulled down his house. This had been found a most effectual remedy in Galway; did hon. Members want to extend it to his country, and to give them the benefit of Lynch law? He hoped the Bill would be read a second time.

MR. NAPIER said, that if he thought the Bill such as it had been represented to be, he should not give it his support. It was complained that if a man had mutton in his house he might be brought before a magistrate; but there must be witnesses to prove that it was stolen mutton, on the premises with the knowledge of the party. The magistrate was bound to issue his search warrant, and bring the party before him; and a party so circumstanced, either in England or Ireland, having a charge against him on the oath of a credible witness that he had stolen property, would be committed for trial. It was plain that this crime had very much increased. It was of the greatest advantage that the guilt or innocence of the party should be ascertained at the earliest possible period, and he should support the Bill.

The ATTORNEY GENERAL observed that the Bill gave summary jurisdiction to a magistrate to convict a person in whose possession mutton was found, and who could not satisfactorily account for it. He understood his hon. Friend to object to that principle, and say that it was hard and unjust to make him account for the possession of what he had honestly obtained. If this was a proper measure for Ireland, it was proper for England. Only the other day sheepstealing was a capital felony. If you could convict summarily for a sheep, why not do the same for a horse? Summary convictions had been only allowed in cases where there was no necessity for any publicity of investigation; and which were not attended with any serious consequence.

COLONEL SIBTHORP did not approve of sympathising with rogues and vagabonds. He was sorry to say that in many cases in this country where sheep had been stolen, they had been cut up and carried to town by railroads and by express trains. It had been found that the skin had been taken off evidently by some master workman with great care, so as to prevent the possibility of identification. Farmers' property ought to be protected in Ireland. They should have protection both in England and Ireland; they were determined to have it. He lamented to see the sympathy with rogues and vagabonds, and was sure that if the question had been the stealing of three yards of calico, transportation for seven years would have been considered too light a punishment.

MR. REYNOLDS said, that the hon. Member for Waterford had ended his speech by expressing a hope that this Bill would be read a second time; he (Mr. Reynolds) would commence by expressing a hope that it might not be read a second time. The hon. Baronet, in asking the House to read this Bill a second time, placed his claim on these grounds; it is a Bill for the protection of the poor man; it is a Bill for the protection of my farmers in Waterford—those farmers to whom he had lent tups. He was not surprised that the hon. Baronet should call on the House to support this Bill. There was a very strong analogy between this Bill and the Bill of Pains and Penalties which had recently been introduced into the House. The hon. Baronet said that this was a Bill of mercy towards the small farmers of the county of Waterford; he forgot to inform the House that the present law against sheepstealing was a very severe law, that it provided seven years' transportation for the offence; but he wished that the possession of a neck of mutton and a leg of mutton should be punished by a fine of 5*l.*, and in the event of the pauper delinquent not being able to pay, he was to be sent to gaol for five months. Who were to be his judges? Probably the very persons from whom the sheep was stolen. The hon. Member for Waterford took the hon. Member for Manchester to task with his usual mildness, and said that he wanted to outrage property and to protect delinquents. Let him be reminded of this fact, that this Bill of Pains and Penalties was brought forward at a most extraordinary crisis—at a time when the hon. Baronet voted against the rate in aid—voted against any kind of relief to the people—voted for nothing except for the protection of the income tax. He (Mr. Reynolds) was not surprised that sheepstealing should have increased; the only thing which surprised him was that there was a sheep alive and in good health. He was astonished that the whole tribe had not disappeared, and some of the bullocks too. He knew that if he was in the position of some of his fellow-countrymen, and saw a fat sheep on the other side of the "wearing," he would say, "I will take care I will live longer than you." If any of his countrymen, not being a sheepstealer, should visit the city of Waterford and purchase a neck of mutton and take it to where he lived, although he bought the neck of mutton honestly, to protect himself he must get a bill and receipt from the butcher. Certainly he might get the bill, but not always the receipt. And yet this was a measure, which, with a sober face, the hon. Baronet asked the House to pass. He might be asked, have you anything to suggest? He had something to suggest. The greater part of the House had heard of the celebrated Catholic clergyman of Ireland named Father Prout. He presided over a very extensive parish in Cork. When he took possession he found it infested by sheepstealers. His parishioners suffered severely, both aristocracy and democracy, and called upon him to apply a remedy. He said, "I see no remedy but to prosecute." "We do not like to be called informers." "Do you know the fellows who steal the sheep?" "We do." "Whenever you meet one of them at fair, put your lips to his ear and cry out 'Ma! Ma!' and every one will know who is a sheepstealer." His instructions were acted upon, and in less than six months there was not a sheepstealer in Waterford. He regretted that this Bill was introduced by hon. Members who were sent into the House by the very parties who would be oppressed by them. It was a calumny on the people of Ireland for any one to get up in the House and designate them as sheepstealers. He believed that no portion of the population of the empire could bear a comparison with the population of Ireland for the observance of the rules of integrity, particularly after the suffering which had been going on for the last five years.

Mr. KEOGH did not think that the measure was so objectionable as it had been represented to be by the criticisms of the hon. Member for the city of Dublin. This Bill had been introduced with the approbation of a large number of the Irish representatives, and of a vast number of the grand juries of Ireland. The hon. Member for the city of Dublin had expressed it to be a measure to restrict the liberties of the Irish people. Now, it was no such thing. It merely aimed at the restrictions of the felonious propensities of certain parties, who gained their livelihood by committing depredations on the property of the poorer classes of their fellow-countrymen. Indeed, this might be called a poor man's Bill—for the rich man could pay for the hire of men to guard his property, whereas the two or three unguarded sheep of a poor man (perhaps the greater portion of all the property he possessed) were an easy prey to the felon. He (Mr. Keogh) thought that the hon. and learned Attorney General had misunderstood the observations of his hon. and learned Friend the Member for the University of Dublin. His hon. and learned Friend had not said that he disapproved of the principle of this Bill, but merely of some of its details. He (Mr. Keogh) did not see why the deer and timber of the rich man should be specially protected, and the sheep of the poor farmer denied a similar protection. He (Mr. Keogh) would give this Bill his support, because he wished, if possible, to diminish an evil which prevailed to an alarming extent. The difficulty of convicting under the present law was evidenced by the fact that in 1847 the number of commitments in Ireland for sheepstealing was 10,000, whereas the number of convictions was only 1,500; so that 8,500 escaped conviction. The objections which were entertained to the details of the Bill by the hon. and learned Attorney General and other hon. Members, might be easily removed in Committee. He hoped, therefore, that the House would consent to its second reading.

Mr. SCULLY would not support the measure, if he believed it would interfere with the rights and liberties of his poor fellow-countrymen, who, he regretted, were so inadequately represented in that House. He supported the Bill because many poor farmers had been materially injured by the want of such a law.

Mr. HENLEY said, it was admitted on all hands that this was exceptional legislation, and he therefore thought it was but fair that such a measure ought to be presented to the House in a definite shape as regarded its details, without leaving their adjustment to the next stage (the Committee), because the very essence and justice of such measures of exceptional legislation depended upon the frame of the details. With the view, then, of compelling the withdrawal of the Bill for the present, in order that it might be introduced in an amended shape, he should vote the second reading.

Mr. NAPIER explained that he was in favour of the principle of the Bill. The changes which he had recommended in the Bill were in favour of the party accused.

Colonel DUNNE, in consequence of the increase of sheepstealing in Ireland, felt himself compelled to approve of a measure calculated to diminish the evil. The increase of this crime during the last few years in Ireland had been forced on the attention of Her Majesty's Government, and he was therefore surprised at the tone which the right hon. Baronet the Secretary for the Home Department had adopted with regard to this measure. It was high time that the Government had introduced some measure for the protection of the small farmers of Ireland against this increasing evil of sheepstealing. It appeared that the Government did not object to the principle, but merely to the details of this measure; he hoped, therefore, that the House would allow it to go into Committee, as in that stage its objectionable portions could be removed.

Mr. O'FLAHERTY, as coming from a part of the country which suffered much from these depredations, felt bound to support the proposition for sending the Bill to a Committee. He knew one case of a poor farmer in his neighbourhood, who, in one week, had lost forty sheep.

Sir W. SOMERVILLE rose, in consequence of a remark made by the hon. Member for Athlone, to the effect that his right hon. Friend the Home Secretary had stated, that if that clause in the Bill was removed which extended its provisions beyond sheepstealing, he would give his assent to it. What his right hon. Friend really said was, that he objected not only to that clause but to some others, which he had pointed out to the hon. Member for Kildare, at a private interview with him, and which the hon. Member for Kildare expressed his willingness to alter. For his own part he should vote for the Bill going into Committee.

Mr. KEOGH explained that that was his understanding of the speech of the right hon. Baronet the Secretary of State for the Home Department, and what he intended to convey to the House.

Mr. VERNON SMITH said, if this measure were pressed to a second reading, he should vote against it on the ground that this short Bill, consisting almost entirely of details, was to be altered in Committee in almost all its details, and in some of its principles. The fair course, and that which had been adopted with other Bills under similar circumstances, was to withdraw the Bill and introduce another.

Mr. PLUMPTRE suggested to the hon. Member for Kildare to withdraw the Bill, and bring in another embodying the required alterations.

Mr. STAFFORD hoped, on the other hand, that the House would allow the Bill to go into Committee, after the distinct pledge of his hon. Friend the Member for Kildare, that he would then introduce the desired alterations. It should be recollected that this Bill was almost word for word the same measure as was introduced by the late Attorney General for Ireland, Mr. Pigott, and Viscount Morpeth, in 1839, and which passed through that House. Many of the objectionable portions of the present measure were introduced in deference to the high authority of the framers of the Bill of 1839. His hon. Friend the Member for Kildare had ventured to make the present measure less objectionable than that of Mr. Pigott's, by empowering magistrates in petty sessions to entertain an offence of the description in question; whereas the Bill of Mr. Pigott empowered a single magistrate to do so. Those who were acquainted with the present condition of Ireland must acknowledge that the growing crime of sheepstealing required an immediate remedy, and he therefore hoped that the House would not delay the adoption of such a remedy by compelling his hon. Friend to withdraw this measure, with the hope of being allowed to introduce another at some future period.

Mr. GREENE would put it to the promoters, whether they ought not to adopt the course which was taken with regard to the Insolvent Members Bill, namely, to withdraw the measure, and bring in a new Bill?

Mr. AGLIONBY hoped the Bill would be withdrawn. No inconvenience would arise from this course, as a new one could be immediately introduced.

Mr. BOURKE in reply, said, as the principle of the Bill was agreed to on all sides of the House, he hoped they would allow the Bill to be committed, in which stage he should be happy to alter it, so as to meet the objection of hon. Members. The changes required to be made in the Bill were not greater than the House was in the habit of permitting to be effected in Committee. If the Government promised to introduce a measure of their own on this subject, he would at once consent to withdraw the Bill, but otherwise he should feel it his duty to press the second reading to a division.

Mr. WILSON PATTEN wished to observe that the Insolvent Members Bill was withdrawn on account of the extensive changes introduced into it; and though in the present case the principle of the Bill might be retained, yet the changes were also so great that he thought the same course should be adopted.

The ATTORNEY GENERAL would remind the hon. Member for Kildare that those parties in Ireland who approved of the Bill as it stood, might not approve of the alterations, so that that was no reason for persisting with a Bill which he meant to alter.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 67; Noes 86: Majority 19.

List of the Ayes.

Ashley, Lord
Barron, Sir H. W.
Bellew, R. M.
Beresford, W.
Bernard, Visct.
Blackall, S. W.
Blair, S.
Boyd, J.
Bremridge, R.
Broadwood, H.
Brooke, Sir A. B.
Cobbold, J. C.
Codrington, Sir W.
Cole, hon. H. A.
Damer, hon. Col.
Dodd, G.
Duncombe, hon. O.
Duncuft, J.
Dunne, F. P.
Du Pre, C. G.
Fagan, J.
Ffolliott, J.
Fox, R. M.
Gaskell, J. M.
Gooch, E. S.
Greenall, G.
Greene, J.
Grogan, E.
Hamilton, G. A.
Hamilton, Lord C.
Heald, J.
Heathcote, G. J.
Heneage, G. H. W.
Herbert, H. A.
Hope, A.
Hotham, Lord
Howard, Sir R.
Jervis, Sir J.
Jones, Capt.
Kildare, Marq. of
Lacy, H. C.
Lewis, G. C.
Lewisham, Visct.
Lindsay, hon. Col.
Milnes, R. M.
Moffatt, G.
Moody, C. A.
Mullings, J. R.
Napier, J.
Nugent, Sir P.
O'Flaherty, A.
Pigott, F.
Pilkington, J.
Pugh, D.
Sandars, J.
Scully, F.
Sheridan, R. B.
Sibthorp, Col.
Sidney, Ald.
Somerville, rt.hn.Sir W.
Stafford, A.
Sturt, H. G.
Sullivan, M.
Talfourd, Serjt.
Trelawny, J. S.
Verner, Sir W.
Vyse, R. H. R. H

TELLERS.
Bourke, R. S.
Keogh, W.

List of the Noes.

Adair, H. E.
Aglionby, H. A.
Alcock, T.
Arkwright, G.
Armstrong, Sir A.
Armstrong, R. B.
Bass, M. T.
Berkeley, C. L. G.
Bernal, R.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bright, J.
Carter, J. B.
Clay, J.
Clay, Sir W.
Clive, hon. R. H.
Clive, H. B.
Colebrooke, Sir T. E.
Compton, H. C.
Craig, W. G.
Cubitt, W.
Denison, E.
Drummond, H.
Duckworth, Sir J. T. B.
Edwards, H.
Egerton, W. T.
Ellis, J.
Estcourt, J. B. B.
Evans, J.
Fagan, W.
Foley, J. H. H.
Forster, M.
Fox, W. J.
Fuller, A. E.
Gladstone, rt. hon. W. E.
Granger, T. C.
Greene, T.
Grenfell, C. P.
Harris, R.
Hastie, A.
Hayter, rt. hon. W. G.
Heathcoat, J.
Henley, J. W.
Henry, A.
Hodges, T. L.
Hodgson, W. N.
Hogg, Sir J. W.
Hope, Sir J.
Hornby, J.
Jackson, W.
King, hon. P. J. L.
Lockhart, W.
Lushington, C.
Meagher, T.
Marshall, W.
Molesworth, Sir W.
O'Connell, J.
Patten, J. W.
Peto, S. M.
Rawdon, Col.
Renton, J. C.
Rice, E. R.
Russell, F. C. H.
Salwey, Col.
Simeon, J.
Smith, rt. hon. R. V.
Smith, M. T.
Smith, J. B.
Somers, J. P.
Sotheron, T. H. S.
Spooner, R.
Stuart, Lord J.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Verney, Sir H.
Waddington, H. S.
Walmsley, Sir J.
Walpole, S. H.
Walter, J.
Watkins, Col. L.
Williams, J.
Wilson, J.
Wilson, M.
Young, Sir J.

TELLERS.
Crawford, S.
Reynolds, J.

Words added.

Main Question put, and agreed to.

Second Reading put off for six months.

CLERGY RELIEF BILL.

Mr. BOUVERIE moved that the House go into Committee on this Bill.

Mr. LACY begged to move the instruction to the Committee, of which he had given notice. He was anxious not to offer a premium for insincerity, which this Bill, if passed in its present shape, was calculated to do. The Bill, as it now stood, allowed every priest in England to go out of the Church by merely saying that he was a Dissenter. It might often happen that clergymen of the Church of England might wish, for secular purposes, to retire from the ministry of the Church, though they might not be willing to declare themselves dissenters from the forms and doctrines of that Church. Why, then, should these persons be compelled to make such a declaration? It was converting them into hypocrites, inasmuch as, for the sake of consistency, they would no doubt ever after keep up an appearance of dissent. If the Motion he now submitted, were agreed to, he would propose an Amendment in Committee to carry out his views.

Mr. MONCKTON MILNES seconded the Motion, concurring as he did cordially in its principle. A person once invested with holy orders could only be deprived of them by the Church itself; therefore as regarded the Church, the question was the same whether they called on this party to declare himself a Dissenter, or whether he merely stated that he was desirous of being relieved from orders. As regarded the relations of the party with the Church, they had nothing to do; but in relation to his position as a civilian, the Bill placed him in the baneful position of making a public declaration of a change in his religious opinions, and he thought tempted him to mix up temporal with religious motives. Suppose a man differed from his diocesan in respect to doctrinal points not interfering with the general discipline of the Church, or from any other cause, as, for instance, a feeling of unfitness or unworthiness, and entertained conscientious scruples which induced him to desire to be relieved from the ministry, but yet not to separate himself from communion with his Church, you call upon him, as the only condition on which the relief he asked should be conceded, to make a declaration that he was a dissenter from the Church altogether. It was in accordance with the spirit of the times that the Church should be served by none but willing ministers, and he was confident that she would be more efficiently served by permitting such as conscientiously believed themselves to be incompetent or unfit to perform the duties, to retire, rather than to force them to remain in the ministry.

Motion made, and Question put—

"That it be an Instruction to the Committee, that they have power to make provision in the Bill for persons in Holy Orders being relieved, without such persons being obliged to declare themselves Dissenters from the United Church of England and Ireland."

Mr. BOUVERIE observed that the Bill proposed to apply a specific remedy to a specific grievance, viz., that a clergyman having once taken ordination vows and becoming a minister of the Church of England, afterwards changing his opinions, entertaining doctrines and opinions inconsistent with those of the Church, and being desirous of leaving the Church, and escaping from its discipline, was unable to do so, but was liable, if he exercised clerical duty not strictly in accordance with the forms of the Church, to fine and imprisonment. That was the grievance. His (Mr. Bouverie's) remedy for this grievance was a simple one, that a person under those circumstances, declaring that he was a Dissenter, should be relieved from that liability. The proposal of the hon. Gentleman was, not to apply a specific remedy to a specific grievance, but to enact a general law by which to enable all clergymen of the Church of England, when they saw fit, to retire from the ministry of that Church. That was a very wide proposition, and he (Mr. Bouverie) would not enter upon its discussion, or express any opinion upon it, further than to say that it should be the object of a definite measure, and not be effected in a by-way in a Bill of this kind. The only argument in favour of the proposition was, that it would operate as a temptation to clergymen to declare themselves Dissenters. He did not believe such a motive would have influence in any case; but this he would say, that if any clergyman who did not dissent from the Church, did, for the purpose of relieving himself from the responsibility of his office, declare himself to be a Dissenter, he would be a liar and a knave. He wished only further to remark that a measure might sometimes be defeated by attempts at amendment as well as by direct opposition, and should the hon. Member who had at a previous stage opposed the Bill altogether, succeed in incumbering it with this provision, he believed he would effectually overthrow it.

Mr. SPOONER reminded the House that there were men in the Church of England who, feeling that they could not exercise their duties as clergymen in a way consistent with their own consciences, sought to be delivered from the obligation to remain in that Church. He thought that that was a grievance well worthy of consideration, and that the House ought not to set any obstacle in the way of such men seceding from the Church. He should support the proposition of the hon. Gentleman the Member for Bodmin.

Sir G. GREY would ask the hon. Gentleman the Member for Warwickshire if he could cite an instance of any legal proceedings being taken against a clergyman for abstaining from officiating? He meant abstaining from taking duty in the Church of England, if he entertained a conscientious objection to do so? Of course, if he retained any preferment or living, he must perform the duties attaching to it; but it was open for any man to abstain from taking any active part in the ministry without being compelled to separate from the Church altogether.

Mr. SPOONER said, he knew an instance of a clergyman who, feeling that he could not conscientiously remain in the Church, had left it; but afterwards thinking he was wrong in leaving the Church, and his conscientious scruples being removed, he had returned to the Church, and had become one of the most useful members in it.

Mr. W. J. FOX could supply the right hon. Baronet the Home Secretary with a case precisely in point—that of John Wesley. Though he might not have been exactly prosecuted, he was precisely in the position in which the right hon. Baronet thought no clergyman had been placed. He ceased from his ministry in the Church, yet retaining his membership of that Church, and his attachment to it; and not only the founder, but the entire body of the Wesleyan denomination during the lifetime of its founder, was precisely in the same condition. Holding certain opinions different from that Church, it was yet their practice to repair, once a year, to their parish church, to receive the sacrament—indicating by that custom that, whatever might be the original cause of their secession from the Church of England, it was not such a one as altogether to dissolve their connexion with its communion. Some confusion arose, he thought, in consequence of describing Churchmen and Dissenters as bodies between which it was possible to draw a distinct line of demarcation. The Church allowed a large latitude to its members which it did not allow to its ministers. But there were many who might desire from the most conscientious motives to retain one character, but not to continue the other. Take the case of John Milton. He was prevented in his youth from entering the Church of England as a minister, because he could not, as he says in his writings, sign himself "slave." Yet he had no desire to break off his connexion with the Church as one of its members. These and kindred scruples were entitled to respect, and he thought his hon. Friend the Member for Kilmarnock, in his own estimate of the grievance, had not shown that the remedy he proposed was commensurate with it. Men might desire to retire from the ministry on other than doctrinal grounds. A person taking holy orders early in life might afterwards feel that he was not qualified or suited for the ministry. Various motives influenced the minds of parents in choosing professions for their sons; and it often happened that the profession selected was that to which the party was least adapted, and that it became necessary for him afterwards to alter his views. It was but the other day that he read the following advertisement:—

> "Provision for a son in the Church, the next presentation to a living, the incumbent aged 76, population of 150, glebe 50 acres, value 300*l.*"—

and so on. It was in this way that many a young man was led into the Church, and if afterwards he found he was unfit for it—if it required duties which he had not the moral energy to discharge—what more honourable thing than for him to retire? But unless this instruction were agreed to, relief in such a case could not be granted, though he was in every respect as much entitled to it as those the Bill sought to relieve. By keeping individuals against their will in a profession which more than any other required the devotion of the whole heart and soul of the party embracing it to his duty, the character of the Church was degraded, and those feelings which it was the object of religious observances to promote were obliterated, if not entirely destroyed.

Sir G. GREY observed that if he rightly understood it, the proceedings against John Wesley were not to compel him to officiate in the Church, but to prevent his officiating elsewhere than in it.

Mr. BOUVERIE wished it not to be inferred that he was opposed to granting relief in such cases, but to the engrafting upon this Bill a provision which he felt would defeat it altogether.

Mr. AGLIONBY had always regarded it as a disgrace to the Church to permit members who were found to be totally unfit for the discharge of its functions, to retain their office in it; and he hailed a proposal which would relieve the Church of England of such persons. But he could find nothing in the spirit of the religion of the Church of England which should disqualify one who had ceased to be of its clergy from representing his fellow-subjects in Parliament, and yet that disqualification existed at the present moment.

Mr. DRUMMOND observed, that he agreed with the hon. Member for Oldham as to the difficulty of legislating on such a subject. He was of opinion that this instruction, if carried, would go much further than was anticipated by its Mover, and that it would have the effect of legalising a breach in that Church discipline which he thought it was essential to preserve. As, also, he thought the instruction would involve many other considerations, he thought it important that the Bill should be allowed to stand in its present shape.

Mr. G. THOMPSON thought it would be unwise to circumscribe the relief proposed to be extended to persons in holy orders, by making it conditional that those persons should declare their dissent from the Church. He could imagine thousands of cases in which the reasons inducing ministers of the Church to retire from holy orders were altogether separate and distinct from reasons growing out of dissent from the forms or doctrines of that Church. A person might find himself uncomfortable in his ministration, and therefore might desire to leave it. He should support the instruction, in the hope that it would make the Bill a perfect measure of relief.

Mr. Sergeant TALFOURD differed altogether from the hon. Gentleman who had just sat down. If the instruction to the Committee were carried, it would impose upon him great difficulty as to supporting the Bill, inasmuch as that instruction involved considerations of a very serious description. If they permitted every young man, as had been suggested, to take upon himself holy orders as a mere experiment—not with regard to his ultimate fitness for the office, but as to his success in that as in any secular employment, they would withdraw from the entering on holy orders that check which required the gravest consideration upon the part of those who were candidates for them not to take a step from which they could not draw back without weighing all the consequences; and this Bill, which was intended to relieve those who desired to pass from conscientious Churchmen to conscientious Dissenters, would effect alterations of a much more serious and important character in the law.

Mr. ROUNDELL PALMER agreed with the observations of his hon. and learned Friend (the Member for Reading), and could not refrain from entering his protest against the manner in which it was proposed to interfere with the constitution of the Church of England. The Church was a religious society, and its inherent principle was, that those who took the solemn vows of ordination should be subject to them as long as they continued members of the Church. It would be a gross outrage to the feelings of all who regarded the Church, not as a mere State institution, but as a society having certain doctrines and certain discipline, to interfere in an arbitrary way, and say that those who desired to leave the Church, but not to become Dissenters, should remain members of it, and exempt from all the vows they had made. The practical grievance suggested by the hon. Member for Oldham was not of a person desiring to relinquish his ministerial office, but of one who continued his ministerial labours, but not according to the doctrine of the Church of England. He trusted that the House would never allow in a Bill which had been read for a first and a second time, to be introduced incidentally, a principle entirely opposed to that which was intended when the Bill was first brought in.

Mr. CLAY was not prepared to give any opinion on the principle involved in the Amendment, but should vote against it, because he believed it would interfere with the granting of a specific remedy to a specific grievance.

Mr. BRIGHT said, the proposition of the hon. and learned Gentleman the Member for Plymouth would entail a very great hardship upon the members of the Church of England, because it stated that the Established Church was a power in some degree opposed to the civil subjects of the realm. Now, if a member of the Established Church became a minister of that Church, and wished to retire, he might have some good reasons for that wish; and Parliament should not permit any power to prevent his retirement. He believed that a great many persons entered the Church in the same manner as others entered dissenting bodies, without that solemn consideration to which reference had been made. Many entered because their families held preferments, and these persons might afterwards have the most solid grounds for wishing to retire. A man, for instance, might be unfit to discharge his duties, or he might have an income insufficiently small; and, therefore, he might desire to retire, and to enter some trade or profession; and the House ought not to allow the man who had made his election to be prevented by any power from following those useful and honourable occupations which are open to all classes of the Queen's subjects. Now, it was on this common ground of not denying to any man the civil right to make such change in their profession as they pleased, that he would support the instruction of the hon. Member for Bodmin. He confessed, that as a Dissenter he had not the slightest feeling in the matter. He believed that all the members of the Church were infinitely more interested in it than Dissenters; and that if the truth could be come to it would be found that the clergy themselves were most anxious that the proposed alterations should be carried. The Bill was not for a specific object. If it were for a specific object, the House should carry out that object consistently with civil liberty, and thereby promote the greatest amount of good.

Mr. GLADSTONE said, he apprehended that something had fallen from the hon. Gentleman who had last spoken which he (Mr. Gladstone) conceived might give rise to some misapprehension. He had understood the hon. Gentleman to say, that when a clergyman had once taken on him ministerial vows, but became desirous of ceasing to be a minister, the Church interposed some power by which that person was prevented from following any other pursuit or career in life. The hon. Gentleman, he apprehended, was mistaken in that assumption. Indeed, the right hon. Gentleman the Secretary of State for the Home Department had asked a question, which still remained unanswered. He had asked to be shown a case in which any person desiring to desist from the exercise of ministerial functions, had been subjected to prosecution on that account in the courts of the Church? No such cases of prosecution had occurred; and he apprehended that he was not trenching upon any abstract question of law in venturing to say, that there was no power, on the part of the Church, to compel any unbeneficed clergyman to continue in the active exercise of the ministry. But it was perfectly true, as had been asserted, that a person who had taken holy orders remained a clergyman in the sense of the Church of England, and that, in virtue of those holy orders, he was subjected to certain civil disqualifications. It should be understood, however, that those disqualifications did not arise out of the laws of the Church, but from laws passed by the State for civil and political purposes. He did not wish to prejudge this civil question, which was one of extreme delicacy and difficulty. Pointed allusions had been made to the levity with which young men of former times—he trusted the charge need not be applied to the young men of the present day—assumed the sacred responsibilities of the clerical profession. But just consider how those charges would be aggravated and multiplied by sanctioning this experiment, as it had been truly characterised by the hon. and learned Member for Reading. An eminent man had well said that the Church was a lottery, in which there were a certain number of blanks and prizes; but were they to invite a young man to take a chance, and, after he had drawn a blank, to permit him to retire without inquiry, without the allegation of a reason, but merely upon the expression of his wish so to do. That was an argument upon which he would not at this moment dwell further. It was a question distinct from the present Bill, which referred to a matter of conscience. As far as a clergyman's conscientious scruples were concerned, he was free to forego the exercise of the ministry; but the clergyman was not in the same position with respect to his communion with the Church as the layman. Scruples might arise, and a man might lawfully desire to abstain from the performance of the functions of a clergyman, and still remain a layman in that community. And the question might then arise, after he had been permitted to go into lay communion, as to his qualifications to undertake a civil office, or to enter Parliament. But such a question was distinct from the purpose of the present Bill. The subject was most important, as it affected the internal discipline of the Church; but these were matters always difficult of being debated in large assemblies of that nature. He thought the House would only be embarking upon a hopeless and inextricable course, if, deliberately, and with their eyes open, they attempted to mix up questions of internal discipline affecting members of the Church, with questions of religious liberty.

Mr. LACY replied, disclaiming any intention of attempting to effect by a sidewind what was not openly attempted by the Bill.

The House divided:—Ayes 65; Noes 132: Majority 67.

List of the Ayes.

Adair, H. E.
Aglionby, H. A.
Bass, M. T.
Berkeley, C. L. G.
Blair, S.
Blewitt, R. J.
Bright, J.
Brotherton, J.
Bunbury, E. H.
Buxton, Sir E. N.
Clay, Sir W.
Cobden, R.
Cockburn, A. J. E.
Crawford, W. S.
Davie, Sir H. R. F.
Dawson, hon. T. V.
D'Eyncourt, rt. hon. C. T.
Divett, E.

Dodd, G.
Duncuft, J.
Ellis, J.
Evans, Sir D. L.
Evans, J.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, W. J.
Granger, T. C.
Harris, R.
Heathcoat, J.
Henry, A.
Heyworth, L.
Hodgson, W. N.
Howard, hon. C. W. G.
Kershaw, J.
Lowther, hon. Col.
Lushington, C.
M'Gregor, J.
Milner, W. M. E.
Moffatt, G.
Molesworth, Sir W.
Mowatt, F.
Mullings, J. R.
Nugent, Sir P.
Pearson, C.
Pilkington, J.
Plumptre, J. P.
Renton, J. C.
Salwey, Col.
Scrope, G. P.
Smith, rt. hon. R. V.
Smith, J. B.
Somers, J. P.
Spooner, R.
Thompson, G.
Thornely, T.
Trelawny, J. S.
Verner, Sir W.
Walmsley, Sir J.
Watkins, Col. L.
Willcox, B. M.
Williams, J.
Willyams, H.
Wilson, M.

TELLERS.

Lacy, H. C.
Milnes, M.

List of the NOES.

Acland, Sir T. D.
Adair, R. A. S.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Ashley, Lord
Barrington, Visct.
Berkeley, hon. H. F.
Bernard, Visct.
Birch, Sir T. B.
Boldero, H. G.
Boyle, hon. Col.
Brackley, Visct.
Bromley, R.
Brooke, Lord
Buck, L. W.
Charteris, hon. F.
Childers, J. W.
Clay, J.
Clive, hon. R. H.
Clive, H. B.
Cocks, T. S.
Codrington, Sir W.
Colebrooke, Sir T. E.
Coles, H. B.
Compton, H. C.
Cowper, hon. W. F.
Crowder, R. B.
Damer, hon. Col.
Denison, J. E.
Douglas, Sir C. E.
Drummond, H.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duff, J.
Duncan, G.
Duncombe, hon. O.
Du Pre, C. G.
Edwards, H.
Egerton, W. T.
Estcourt, J. B. B.
Floyer, J.
Foley, J. H. H.
Fuller, A. E.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Goddard, A. L.
Greenall, G.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Haggitt, F. R.
Halford, Sir H.
Hamilton, G. A.
Hastie, A.
Heneage, G. H. W.
Henley, J. W.
Herbert, rt. hon. S.
Hodges, T. L.
Hope, Sir J.
Hope, A.
Hornby, J.
Hotham, Lord
Jackson, W.
Jermyn, Earl
Jervis, Sir J.
Johnstone, Sir J.
Jones, Capt.
Langston, J. H.
Lascelles, hon. W. S.
Legh, G. C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lewisham, Visct.
Lincoln, Earl of
Lindsay, hon. Col.
Locke, J.
Mackenzie, W. F.
Mackinnon, W. A.
Maitland, T.
Marshall, W.
Melgund, Visct.
Miles, P. W. S.
Miles, W.
Monsell, W.
Mulgrave, Earl of
Napier, J.
Noel, hon. G.
Ogle, S. C. H.
Ord, W.
Oswald, A.
Paget, Lord A.
Palmer, R.
Patten, J. W.
Peto, S. M.
Pigott, F.
Portal, M.
Pugh, D.
Repton, G. W. J.
Ricardo, O.
Rushout, Capt.
Russell, F. C. H.
Rutherfurd, A.
Sandars, G.
Seymer, H. K.
Seymour, Lord
Sheridan, R. B.
Sidney, Ald.
Simeon, J.
Smyth, J. G.
Somerset, Capt.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Stafford, A.
Stanley, hon. E. H.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, Lord J.
Start, H. G.
Sutton, J. H. M.
Thicknesse, R. A.
Thompson, Col.
Townley, R. G.
Turner, G. J.
Verney, Sir H.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Walter, J.
Wood, W. P.
Young, Sir J.

TELLERS.

Bouverie, E. P.
Talfourd, Serj.

House in Committee.

Clauses 1, 2, and 3 were agreed to.

Clause 4 required the bishop to record the declaration as a sentence of deprivation and deposition,

MR. HENLEY considered, that with regard to clergymen having incumbrances on their livings, the clause would have the effect of placing the creditors in a much worse position than they otherwise would be.

The ATTORNEY GENERAL defended the clause, and it was agreed to without alteration.

Clause 5 was agreed to.

On Clause 6, which was as follows:—

> " And be it enacted, That every license, office, and place whatsoever held by such person—that is, such person as shall have declared his dissent from the Church of England—for which it is or may be an indispensable qualification that the holder thereof for the time being should be a minister or member of the said United Church, shall become and be, from and after the date of such entry in the registry of the said bishop, *ipso facto*, determined or vacant, as the case may be; and that no clergyman shall be prosecuted or proceeded against, or punished, or held liable in any action for damages or otherwise, in any court, for refusing to administer any rite or sacrament of the said United Church to or in respect of any such person "—

it was agreed, after some discussion, that the clause should be divided into two parts, the first ending with the words "as the case may be."

MR. W. J. FOX rose and said: Supposing the clergyman had gone great lengths in his renunciation—supposing he had gone even to the disownment of the Christian faith, was it for this House to say that upon his penitence afterwards he should not have the right of readmission to the communion which he had once abandoned? It was well known that there were many men, who, although in various points they had been led to dissent from the Church, had nevertheless shown their Christian feeling from time to time by keeping up their communion with it. Instances of this sort were very numerous; but he need only cite the case of the patron of Dr. Watts, who was in the habit of attending the sacrament of the Church upon a principle of Christian charity.

Mr. WALPOLE said, the clause under consideration would not act as a prohibition; it merely laid down that where a person had become a nonconformist, the clergyman should be put into the same relative situation with regard to that person so becoming a nonconformist as he now was with regard to any other person who was a nonconformist. ["No, no!"] In principle, it was the same thing. If he understood the meaning of the clause, it merely meant to leave with the clergyman of the Church of England, in administering the rites and sacraments of that Church to a person taking the benefit of this Bill, the same discretion as he now had with regard to any other person who was a dissenter from the Church.

Mr. BOUVERIE thought the question at issue was, whether the clause formed a new class of Dissenters, or left a discretionary power to the minister. Every Dissenter, unless under excommunication, had a right to church burial and to the performance of the church funeral service; and it was questionable whether at common law the courts could not compel the clergyman to perform the services of baptism and marriage. There was surely no reason why the seceding clergyman should be treated with greater severity in these respects than other Dissenters.

Mr. PETO expressed his regret that the Bill should make a distinction between clergymen seceding and the other nonconformists of the country. He should move that the words "and that no clergyman," &c., to the end should be omitted.

Mr. GLADSTONE said, that the clause had been adopted in its present form with the unanimous consent of the Committee, not so much because it carried out the precise views of any individual Member, but because it established a point at which, by concession on both sides, the different Members might combine, and afforded a reasonable prospect that the measure, with respect to which every one felt that success was desirable, might be passed; it being felt that its passing would be rendered hazardous if it were so framed as to embody the extreme and unmitigated views of any one person. It was difficult for him to understand how any stigma could be cast on the seceding clergyman in a case where all publicity and formal proceedings by which a stigma could be conveyed were dispensed with. He had consented to the clause, for, in his anxiety to give full effect to what he believed to be the civil rights of his countrymen, he had not hesitated to run the risk of offending some persons, and of forfeiting the confidence of many among his constituents. Let them consider the question calmly, and see what they were about to do. It was neither more nor less than to give rise to a fresh class of dissent, and to create a new position. They could not place the clergyman in the same position as he would have been in had he not been a clergyman, because the hon. Member for Kilmarnock himself in one most essential particular refused to place the seceding clergymen in the position of other Dissenters, and that was in respect to readmission to holy orders. By this Bill it was provided that a clergyman, having once seceded from the Church, should remain for ever excluded, and no power on earth could restore to him the powers and privileges of holy orders. But was that the case with the Dissenters? Was the Dissenter for ever excluded from holy orders? Certainly not —to his certain knowledge there were, if not hundreds, scores of clergymen of the Established Church, who had once been Dissenters. The law of this country had not yet proceeded to found dissent on any formal declaration; it merely protected certain formal acts of nonconformists from the penalties which would otherwise attach to them. The position of the clergyman was entirely different from that of the Dissenter, and the condition of the latter was sufficiently clear, under the terms of the Bill, to make it their duty not to make it applicable to the seceding clergymen. Let them give every freedom of conscience they pleased to the Dissenter; but let them not forget that others had consciences too, and that there were men who held office in the Church whose consciences would be hurt by such an amendment as that proposed by the hon. Member for Norwich. It would be a serious offence to those men that they should be called upon, nay, compelled, to administer the rites of the Church and her religious ordinances to the champions of dissent. It was to be apprehended that there were persons who would proceed too far in their dissent—who might, as the hon. Member for Oldham had observed, renounce the name of Christian, or might, like a large part of the learned men of Germany at the present day, regard the name of Christian as a convenient appendage only, while they looked upon our Saviour as one among a long series of great men, entitled to rank perhaps with Socrates, or even beyond him, but still belonging to the same class. It had been very truly remarked by the hon. Member for Oldham, that there were many persons with regard to whom the term Dissenters was used so loosely that it defied definition. But this was not so in the case of a man whose dissent was so defined that it obliged him to renounce the fulfilment of his own most solemn vows. Dissent in that case was sufficiently tangible and clear, and assumed a legal character sufficiently formed under this Bill to make it their duty not to leave the position of that man uncertain, but to define it with regard to rights and privileges as justice required. If such a gentleman were now liable to excommunication, and that excommunication entailed the absolute loss of all the ordinances of the Church, then he (Mr. Gladstone) would say, "By all means give freedom to the conscience of the man; but do not, in giving him that freedom of conscience, forget that others have their consciences too; and that there are many persons now exercising and bearing sacred office in the Church, and conforming to her laws, to whose consciences it would be a grievous and serious offence if they were compelled by civil penalties to administer religious rites and ordinances to the champions it might be of religious dissent." If there were such a thing as civil and religious liberty, surely it was a mockery to use the term in connexion with legislation like that. He did not mean to say that any hon. Member desired to violate the principles of civil and religious liberty; but then these principles were to be observed in reference to all classes, and not only was the seceding clergyman entitled to the full benefit of them, but likewise the conforming clergyman. It was in vain to contend, therefore, that the clause dealt with seceding clergymen in a manner different from other Dissenters. On those grounds he hoped the House would take the same view as the Committee did of the clause, as it drew a fair line of distinction between the various interests concerned.

SIR G. GREY was prepared at once to admit that a clause, which had been carefully considered in the Select Committee to which the Bill had been referred, and which came to the House recommended by the unanimous opinion of that Committee, was entitled to be treated with respect, and not to be lightly set aside. Before, however, the discussion proceeded further, he thought it would be well to understand what was the intention of the Committee in inserting that clause. The hon. and learned Member for Midhurst had stated that the effect of the clause would be to place seceders from the Church upon the same footing with other Dissenters. If that were the meaning of the clause, he should have no objection whatever to it, as it would be perfectly unreasonable to place upon those persons any disabilities not borne by the general body of Dissenters of which they formed a part. The right hon. Gentleman the Member for the University of Oxford had, however, stated that this was not the opinion of the Committee. He said that there was something peculiar in the case of these persons, and that they ought to be subject to peculiar disabilities, which did not affect Dissenters generally. He (Sir G. Grey) did not concur in that opinion. He thought that there was nothing peculiar in the case of this class of Dissenters, on the ground of their having once been Churchmen and having seceded from the Church. He could see no reason why such persons should not be entitled to the rites and offices of the Church in the same manner as other Dissenters were. The law of the land, as well as of the Church, was that the rites of burial, according to the Church of England, must be administered to all parties, not excommunicate, and the Court of Queen's Bench enforced the right of parties to that service by mandamus. There was nothing in the case of a seceder from the Church which would make a mandamus not apply in the case of a clergyman who refused burial to a person of that class. He did not think that the sentence of deprivation would prevent any bishop, at his discretion, from reordaining the party so deprived at any future period of his life, if he so desired; even if that were so, he did not see why it should follow that a person so deprived, wishing to have the marriage service performed by a clergymen of the Church of England, or his friends desiring his remains to be placed with other members of his family, should be deprived of the privilege afforded to all Dissenters. If that were the construction of the clause, he certainly thought that it would be better not to agree to it, and to leave this class of persons to merge in the general body of Dissenters, without subjecting them to any special disability.

Mr. TURNER suggested, that before they proceeded any further with the clause, they should ascertain the exact effect of a sentence of deprivation or of deposition.

Mr. ROUNDELL PALMER observed, that excommunication was nothing but exclusion from the Church, and the canons said that schismatics were to be held excommunicate. With respect to those who were commonly called Dissenters, it was not for any one to say how far they were persons desirous of separating from the Church. But the case of a clergyman in the present instance was quite different; because here was a person who had in a solemn manner entered the Church, and who by a solemn act separated himself from the Church, for the purpose of disentitling the authorities of the Church to enforce against him ecclesiastical discipline. The measure afforded a short method by which he might exclude himself; and the question was, whether, having ascertained in his case what was not ascertained in the case of ordinary Dissenters, the existence of a definite intention to separate from the Church, the opinion of those clergymen of the Church who thought such a person a notorious scandal to the Church should be disregarded, whether clergymen were to be compelled to administer to him those rights and offices of the Church which they could not be compelled to administer if the law were allowed to take its course, and sentence of excommunication were pronounced. Many clergymen would feel great violence done to their consciences were they required to administer the sacraments to persons who, having taken the solemn vows of ordination, departed therefrom afterwards. It must not be forgotten what were the sacraments and ceremonies to be administered and performed. The exclusion of persons not connected with the Church from marriage or burial according to the rites of the Church was to be regretted; but when a clergyman entertained a *bonâ fide* conscientious objection with respect to the administration of those rites to persons separate from the Church, his conscience was as deserving of toleration as the conscience of the clergyman who was desirous to secede from the Church.

Colonel THOMPSON wished to know with precision what were the rites and sacraments the Established Church could refuse to any ordinary Dissenter, and what it was intended to give the power of refusing to a seceded clergyman under this Bill; and then the House might act upon the knowledge of the difference. He was afraid, from what he heard, that there was a hidden arrow with which somebody was to be pierced. The openheartedness of hon. Gentlemen opposite had let out, that the intention was to treat the seceded clergyman as a "person excommunicate." This was the next thing to putting him into a white sheet. Till he heard this, he was disposed to think the Bill a favourable specimen of the moderation of the ecclesiastical party in power.

Mr. LUSHINGTON remarked that the Committee were unanimous in passing this clause; but it did not occur to them how harshly, severely, and un-Christianly it would operate.

Mr. GLADSTONE observed, that to a person excommunicate the sacraments would be denied; but a person taking advantage of the present Bill would not necessarily be thereby deprived of the sacraments. The question was, whether a clergyman should be required to administer the sacraments to persons so situated, irrespective of his own knowledge and his own convictions.

The **ATTORNEY GENERAL** rose chiefly to correct a misconception which appeared to exist on the part of the hon. and learned Member for Midhurst. As the law stood, a clergyman was bound to bury and marry Dissenters. It had been decided that a clergyman ought to bury; and the 6th and 7th of William IV. enacted, that he should, on production of a registered certificate, perform the ceremony of marriage. It was true, that on evidence that the parties were schismatics the clergyman was exempted from any liability. But it was a mistake to suppose that excommunication followed a sentence of deprivation from a living, or deposition from the ministry. There was no recent instance in which such sentence of excommunication had been carried into effect. The clause, in reality, proposed to put clergymen seceding from the Church under peculiar penalties. It was unjust that those Gentlemen should suffer from penalties from which ordinary Dissenters were exempt. He knew clergymen who thought they were entitled to set up the canon law against the civil law; and as the canon law prohibited clergymen to marry or bury Dissenters, they were justified in so doing, contrary to the civil law: the enactment of the clause would encourage them to proceed in that course, which was certainly not a desirable result to bring about.

Mr. NAPIER had concurred in the clause in Committee from the feeling that it was not right to require the parish clergyman to administer the rites of the Church when his conscience told him they ought not to be administered.

The Earl of ARUNDEL and SURREY thought that a seceding clergyman ought to be placed in the same position as one of the class with whom he was to be identified. The law was wrong which compelled a clergyman of the Church of England, or any clergyman, to do anything contrary to his conscience; but the point was too difficult to enter on it at that moment.

Sir E. N. BUXTON differed from the noble Earl, for he thought that in the cases in question grounds might be assigned for administering the rites of burial, and perhaps of marriage.

Mr. SPOONER would put a case. Supposing one of those seceding clergymen should demand afterwards to be married according to the rites of the Church of England, could a clergyman of the Church of England refuse to marry him without becoming liable to a penalty?

The ATTORNEY GENERAL replied that, according to the clause under consideration, a clergyman of the Church of England might refuse both to marry and to bury one who had seceded.

Mr. HENLEY thought the real distinction was that, in the case of a seceding clergyman, the party had gone to a competent court of record, and there registered a certain fact, which was thereby brought judicially to the knowledge of every clergyman of the Church of England. It was not so in the case of an ordinary Dissenter.

Mr. BOUVERIE stated that the dissent of the Dissenting minister was also legally known; for one of the Toleration Acts required that he should register a declaration that he was a Dissenter.

Mr. W. P. WOOD said, that the real object of the clause was that which had been pointed out by the right hon. Gentleman the Member for the University of Oxford, namely, to save the consciences of Dissenters, as well as of seceding clergymen. There might be such persons who did not think that they were acting wrong in using the services of the Church. He would suggest that there was some inconsistency in obliging clergymen to perform these solemn services for persons who had no accord with the views held by Churchmen. Formerly, when a Unitarian was married, he used to protest against the doctrines of the Church of England; but now that there was no impediment to his being married before a registrar, he did not understand why a Dissenter should be anxious to have the Church services. He was very glad, however, that there existed on the part of the Dissenters this lingering feeling of respect towards the Church of England, which he did not wish to see displaced. He should recommend, therefore, the withdrawal of the clause, as he could hardly conceive a case in which a Dissenter or a seceding clergyman could act so monstrous a part as to insist upon being married or buried according to the rites of the Church.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 57; Noes 118: Majority 61.

List of the Ayes.

Baillie, H. J.
Barrington, Visct.
Bennet, P.
Blair, S.
Boldero, H. G.
Brackley, Visct.
Bramston, T. W.
Bromley, R.
Brooke, Lord
Bruce, C. L. C.
Buller, Sir J. Y.
Cobbold, J. C.
Cocks, T. S.
Compton, H. C.
Drummond, H.
Du Pre, C. G.
Edwards, H.
Egerton, W. T.
Evans, J.
Floyer, J.
Gladstone, rt. hon. W. E.
Gooch, E. S.
Haggitt, F. R.
Halford, Sir H.
Hamilton, G. A.
Heneage, G. H. W.
Henley, J. W.
Hodgson, W. N.
Hood, Sir A.
Hope, Sir J.
Hope, A.
Hornby, J.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
Legh, G. C.
Lewisham, Visct.
Lincoln, Earl of
Lindsay, hon. Col.
Mackenzie, W. F.
Miles, W.
Monsell, W.
Napier, J.
Neeld, J.
Newdegate, C. N.
Oswald, A.
Palmer, R.
Patten, J. W.
Peel, F.
Portal, M.
Richards, R.
Seymer, H. K.
Simeon, J.
Sotheron, T. H. S.
Talfourd, Serj.
Thompson, G.
Willoughby, Sir H.

TELLERS

Stafford, A.
Palmer, R.

List of the NOES.

Adair, H. E.
Aglionby, H. A.
Armstrong, Sir A.
Armstrong, R. B.
Bagshaw, J.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Birch, Sir T. B.
Blewitt, R. J.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Burrell, Sir C. M.
Butler, P. S.
Buxton, Sir E. N.
Carter, J. B.
Cavendish, hon. G. H.
Cayley, E. S.
Charteris, hon. F.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clifford, H. M.
Cobden, R.
Colebrooke, Sir T. E.
Craig, W. G.
Crawford, W. S.
Dalrymple, Capt.
Davie, Sir H. R. F.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Duncan, Visct.
Duncan, G.
Ellis, J.
Evans, W.
Foley, J. H. H.
Fordyce, A. D.
Fortescue, C.
Fox, W. J.
Freestun, Col.
Gaskell, J. M.
Granger, T. C.
Greenall, G.
Greene, T.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Hardcastle, J.
Harris, R.
Hastie, A.
Hastie, A.
Heathcoat, J.
Heywood, J.
Heyworth, L.
Hill, Lord M.
Howard, hon. C. W. G.
Jackson, W.
Jervis, Sir J.
Kershaw, J.
Lacy, H. C.
Langston, J. H.
Lewis, rt. hon. F. T.
Locke, J.
Lushington, C.
Maitland, T.
Marshall, W.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Moody, C. A.
Mulgrave, Earl of
Mullings, J. R.
Ogle, S. C. H.
Ord, W.
Paget, Lord A.
Parker, J.
Pearson, C.
Pigott, F.
Pilkington, J.
Plumptre, J. P.
Rawdon, Col.
Ricardo, O.
Rice, E. R.
Russell, Lord J.
Russell, F. C. H.
Salwey, Col.
Sandars, G.
Scholefield, W.
Scrope, G. P.
Seymour, Lord
Smith, rt. hon. R. V.
Smith, J. B.
Spooner, R.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, Lord D.
Stuart, Lord J.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Trelawny, J. S.
Tufnell, H.
Verney, Sir H.
Waddington, H. S.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Watkins, Col. L.
Wilcocx, B. M.
Williams, J.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wilson, M.

TELLERS.
Bouverie, E. P.
Peto, S. M.

Committee report progress; to sit again on Wednesday, 23rd May.

The House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, May 3, 1849.

MINUTES.] PUBLIC BILLS.—1^{a} Exchequer Bills; Sequestrators Remedies; Sewers Acts Amendment.

PETITIONS PRESENTED. By the Earl of Eglinton, Dukes of Northumberland, Richmond, and Beaufort, and Lord Beaumont, from Montrose, Newcastle, Essex, Monmouth, Yorkshire, and other Places, against the Repeal of the Navigation Laws.—By Earls Winchilsea and St. Germans, from Lilley and Offley, for the Revision of those Taxes which press heavily on the Cultivators of the Soil.—By the Earl of Combermere and the Bishop of Oxford, from Swansea, Cheltenham, and a Number of other Places, for the Suppression of Seduction and Prostitution.—By the Bishop of Gloucester, from Stone and Stafford, for an Alteration of the Conditions under which the Grant for the Purposes of Education in Ireland has hitherto been made.—By the Duke of Richmond, from Banff, to Diminish the Number of Spirit Licenses in Scotland; and from Queen's County, for the Enactment of such Laws as will, by lessening the Demands upon the Tenantry of Ireland, be Equivalent to the Losses sustained by them in the Removal of Protection. — By Lord Brougham, from the Dublin Railway Company, that a Bill for the Audit of Railway Accounts may be passed.—From Loughborough, for the immediate Liberation of the Rev. J. Shore.—From Edinburgh, for an Alteration in the existing Regulations of Parochial Schools (Scotland).—From Sarum, for the Amendment of a certain Clause in the Proceedings against Clergy Bill.—From Tynemouth, that a Demand may be made on the Brazilian and Spanish Governments for the Liberation of all Slaves.—By the Earl of Harrowby, from Barking, Uttoxeter, and several other Places, for an Alteration in the Granting of Beer Licenses.—From numerous Tradesmen in the Metropolis, for the Suppression of Sunday Trading.—From Gravesend, Bristol, and a Number of other Places, against, and by Lord Stanley, from the Montreal Board of Trade, in favour of, the Navigation Bill.—By the Bishop of Cashel, from the Irish Branch of the United Church of England and Ireland, for an Alteration of the National System of Education in Ireland.

NATIONAL EDUCATION (IRELAND).

The BISHOP of CASHEL said, that he had to present two petitions: one signed by 42,000 Protestants in Ireland, who prayed that they might have a share in the money given for the promotion of education; and who expressed their belief that as they paid their portion of the sum raised for that purpose, they ought to have a share in its distribution. The ground on which the petitioners put forward their prayer was, that as the establishment of one uniform system of education throughout the empire had been given up, and as every denomination of Christians in England obtained aid from the Government in the promotion of education, the Protestants of Ireland ought not to be the only class in Her Majesty's dominions excluded from that advantage. He had also to present a similar petition, signed by between 1,300 and 1,400 clergymen of the Established Church in England and Ireland; and he wished to take that opportunity of stating that when he had given notice that that petition would contain 1,600 signatures, he had overstated the number, in consequence of his having supposed that it would been signed by all the clergymen who had attached their names to a similar petition addressed to the House of Commons. The actual number of signatures to the petition, he had to repeat, was between 1,300 and 1,400. He confessed that he considered that subject to be a most important one, for it was manifest that nothing was more calculated to prove beneficial to a country than a sound and efficient system of education. The movement which had of late years been made in that direction had originated in an earnest desire on the part of some of the leading public men of this country to increase the quantity and to improve the quality of the education of the people. In order to accomplish that most praiseworthy object they had formed the idea that it would be desirable to establish a great central institution which should preside over a system of national education. That was the plan which had been first adopted, and which had, he believed, been taken from the system pursued in France, and in other States on the Continent; and it was on that plan that the national board in Ireland had, as he understood, been established. Many attempts had been made to carry out that general system in this country; and, in the year 1839, a Minute of the Council for the establishment of a normal school had been issued as a first step towards the attainment of that object; but in the very same year that that first step had been taken, it had been found that the plan was impracticable. An arrangement had therefore been come to under which the national funds for educational purposes were to be divided between two voluntary associations —the National Society and the British and Foreign School Society. When the present Administration had last come into power, they turned their attention to the subject, and he had no doubt but that they had considered the question of the establishment of one uniform system of education with some prepossession in its favour; but they had found that they could not carry out such a project, and when they brought forward their plan in the year 1847, they deliberately abandoned that project. The language which several Members of Her Majesty's Government were reported to have used upon that subject, was exceedingly strong. The noble Marquess (the Marquess of Lansdowne) was reported to have said—

> "It would be extremely desirable, indeed, to have all sects educated under the one roof, as was suggested. [Hear, from Lord Beaumont.] But he would ask the noble Lord whether, from his own experience, he judged that such a scheme would be a practicable one?"

Language of a similar character had been held by Lord John Russell. But the fullest and the clearest statement upon the subject was that which had been made by Sir George Grey. That right hon. Gentleman had said—

> "The noble Lord (Lord Morpeth) had said that there were three courses open to the Government; but he thought there were only two. He did not believe it would be possible for any Government to propose that the education of the people should be placed entirely in the hands of the Established Church. The two courses, then, open to the Government were the course proposed by the hon. and learned Member for Bath, and the course that had been adopted. The one was to establish entirely a new system of education, disregarding the divisions in the country upon matters of religion —disregarding the schools established in connexion with different denominations, and endeavouring to bring all the children together into one system of education, by which they could grow up in harmony, peace, and good-will. Such a plan would be impracticable—it would meet with no cordial acceptance by any one denomination of Christians, or by that House. He agreed with the hon. Member for Nottingham, that the earnest religious feeling of the people of this country would oppose an absolute bar to combined education, because it could be only effected by the exclusion of all religion. He knew that all did not intend to exclude religion from their schools, but thought it might be introduced through different religious teachers; such a proposition would not, however, diminish one iota of the opposition. Then, what was the other plan proposed and acted on by the Government? The principle on which the measure, if he might so term it, was framed, was not to establish any new system, but to improve the present schools—the Government proposed to raise the character of the education that is given in existing schools, and improve the position of, and raise the standard of acquirement in, the schoolmasters. What had been done during the last few years, since Parliament had agreed to grant money for the purposes of education? Those grants had been applied for the purpose of building schools in connexion with the various denominations; and that being the case, the Government thought it time to consider how the character and quality of education might be raised in those schools without endeavouring to supersede the existing agents at work in any of them."

The right hon. Gentleman had, therefore, admitted, that a general system of education would be impracticable, that it would be unpopular, and that it would be objectionable, because it would exclude certain religious parties. The Government had, consequently, determined on abandoning any attempt to establish a uniform system, and had resolved, instead of that, to give aid for educational purposes to the Protestant members of the several religious denominations — to the followers of the Church, to the Wesleyans, and to the different bodies of Dissenters; and, finally, they had, in the year 1847, brought forward a Minute of Council, by which they had provided means for enabling the Roman Catholics of England to educate the members of their Church, without any interference on the part of the State with their religious opinions. The following were the rules laid down in that Minute:—

> "1. That the Roman Catholic Poor School Committee be the ordinary channel of such general inquiries as may be desirable as to any school applying for aid as a Roman Catholic school.
>
> "2. That Roman Catholic schools receiving aid from the Parliamentary grant be open to inspection; but that the inspectors shall report respecting the secular instruction only.
>
> "3. That the inspectors of such schools be not appointed without the previous concurrence of the Roman Catholic Parochial School Committee.
>
> "4. That no gratuity, stipend, or augmentation of salary be awarded to schoolmasters or assistant teachers who are in holy orders; but that their Lordships reserve to themselves the power of making an exception in the case of training schools and of model schools connected therewith."

The project for the formation of a great uniform system of national education in this country had, therefore, been deliberately discarded. Now, that fact, in his opinion, put the question of education in Ireland on a totally different footing from that in which it had previously stood. What he then asked was, that the project of a uniform system should be set aside for the Protestants of Ireland, as it had been set aside for the professors of every form of religion in this country. The Protestants of Ireland asked that they should not be excluded from that liberality which had been extended to every other portion of Her Majesty's subjects. They did not seek to introduce any new system; they did not wish to set aside a great uniform system which some persons so highly valued, and which would, no doubt, if practicable, be extremely desirable, as it would unite together the members of every creed in cordiality and affection. But the system of uniformity had been already broken into fragments; and the Protestants of Ireland at present only demanded that they should participate in the advantages enjoyed by every other portion of their fellow-subjects. Now, he could not think that that was an extravagant or an unreasonable demand. Her Majesty's Ministers admitted that a general system of education throughout the empire was unpopular, and that it could not be fairly carried into effect. Now, the Protestants of Ireland entertained the same opinion upon the subject; and it was on that account that they sought to escape the control of the National Board of Education in that country. But he felt it necessary to state the objections which they entertained to the existing system. They complained that that system trenched on their conscientious religious opinions. He would ask this question: Were there greater facilities for united education between Protestant and Roman Catholics, than between the members of the Church of England and the members of the various Dissenting bodies? Surely there were not; and if there was any difficulty in bringing together the children of Churchmen and of Dissenters for the purpose of educating them in the same schools, a still greater difficulty must exist in the case of Protestant and Roman Catholic children. In fact, there was at the very outset of the question a peculiar and an insuperable difficulty in the way of the united education of Protestants and Roman Catholics, arising out of the fact that while Protestants of every denomination accepted the Bible as a book which should be laid open to all classes, Protestants and Roman Catholics unfortunately differed upon that preliminary step towards a system of combined education. He would not discuss the question whether Protestants or Roman Catholics were right in their views upon that subject; but there could be no doubt of the fact, that while all Protestants were agreed that whoever took away the Scriptures from the people deprived them of their birthright and their undoubted privilege, the Roman Catholic Church believed that the Scriptures ought not to be put into the hands of the great mass of mankind. That was the doctrine distinctly laid down in the bull *Unigenitus*, which had been issued for the purpose of denouncing the doctrine set forth by some of the Jansenists—who were among the best men that had ever belonged to the Roman Catholic Church—that the Bible ought to be placed in the hands of the people. In the bull *Unigenitus*, the following propositions were taken from a book entitled *The New Testament in French, with Moral Reflections upon each Verse, &c. Printed at Paris*, 1699.

> "The reading of the Holy Scriptures is for all men.—Acts viii. 28.
>
> "To take the New Testament from the hands of Christians, or to shut it against them, is to close the mouth of Christ against them, by taking away from them that means of understanding him.—Matt. v. 2."

The bull contained the following comment upon those propositions:—

"The opinions, therefore, of the abovementioned cardinals and theologians having been both heard by word of mouth and exhibited to us in writing; and, above all, the aid of Divine illumination having been implored by private and public prayers, appointed for this end, we respectively declare, condemn, and reprobate by this our perpetually-enduring constitution all and singular the above-inserted propositions as false, captious, ill-sounding, offensive to pious ears, scandalous, pernicious, rash, injurious to the Church and its usages, contumelious not only towards the Church, but also towards the secular powers, seditious, impious, blasphemous, suspected of heresy, and savouring of heresy itself; favouring, moreover, heretics and heresies, and also schism; as erroneous, nearly allied to heresy, often condemned, and finally even heretical, and also various heresies manifestly introducing novelties, and chiefly those which are in the infamous propositions of the Jansenists, taken in that sense in which they were condemned."

Now, as that was the doctrine of the Roman Catholic Church, it was manifest that whenever Protestants and Roman Catholics should attempt to form a system of united education, they would be met by a preliminary difficulty, which must occur between them earlier than any objection that could arise between the members of the various Protestant communions. Let the House remember that all clergymen of the Established Church must have made, previously to their ordination, a declaration to the effect that they believed that the Holy Scriptures contained all doctrine necessary for eternal salvation through faith in Christ, and that they would teach nothing which they were not persuaded could be proved by the same. So that it was clear that the ministers of the Protestant Church were only acting in conformity with their solemnly-avowed principles, when they said that they could not give their support to schools in which they were not allowed to put the Scriptures into the hands of children, who might otherwise be for years in those schools without having seen or even heard God's holy word. He felt it necessary to state, as some misapprehension prevailed upon the subject, what were the rules of the Board with regard to the holy Scriptures. Those rules were as follows:—

"The ordinary school business, during which all children, of whatever denomination they may be, are required to attend, is to embrace a specified number of hours each day. The patrons of the several schools have the right of appointing such religious instruction as they may think proper to be given therein, provided that each school be open to children of all communions; that due regard be had to parental right and authority; that, accordingly, no child be compelled to receive, or be present at, any religious instruction to which his parents or guardians object; and that the time for giving it be so fixed that no child shall be thereby in effect excluded directly or indirectly from the other advantages which the school affords. Subject to this, religious instruction may be given either during the school hours, or otherwise. The reading of the Scriptures, either in the Protestant or Douay version, as well as teaching of Catchisms, comes within the rule as to religious instruction. The rule applies to public prayer. The Commissioners do not insist on the Scripture lessons being read in any of the national schools, nor do they allow them to be read during the time of secular or literary instruction in any school attended by children whose parents or guardians object to their being read. In such cases the Commissioners prohibit the use of them, except at the times of religious instruction, when the persons giving it may use these lessons or not as they think proper."

It was provided that during a certain number of hours the children should not be compelled to be present at, or to engage in, any religious instruction, while any version of the Bible came within the designation "religious instruction." Now, there was no mode of complying with such a rule except by excluding the reading of the Scriptures during those hours; and that was the real meaning of the rule. The reading of "the extracts" was also prohibited, and even in more express terms, for it was stated that that reading should not be allowed. The views of the Commissioners would, perhaps, be still more apparent from the following letter, addressed, by their secretary, Mr. Kelly, to the Presbyterians:—

"The rule that the hours from two till three of each day except Saturday shall be employed in reading and instruction in the Holy Scriptures, is quite compatible with the regulations of the Commissioners, provided that such children only as are directed by their parents to attend be then allowed to continue in the school, and that all others do then retire. And with respect to the exercise on Saturday, it also is compatible with their rules, provided that those children shall attend only upon that day whose parents direct that they shall join in reading or receiving instruction in the Holy Scriptures, so that an opportunity be thus afforded for all others to receive such religious instruction at that time as their parents or guardians shall provide for them. As you mention that you occasionally visit the school, to mark the progress and administer such instruction as the circumstances and capacity of the children may require, the Commissioners desire me to observe, that it is of the essence of their rules that religious instruction should be given only at the time specially appointed for that purpose; and that children whose parents do not direct them to be present at it should previously retire. The Commissioners having thus explained their views, and anticipating that you will conform to them, direct me to signify their readiness to make a grant towards the support of the Temple Meeting-house School on your returning the paper, which I herewith transmit, properly filled and signed."

It appeared from that letter, that in the Presbyterian schools clergymen had no power to put the Scriptures into the hands of children, as their parents or guardians could pursue whatever course upon the matter they might think fit. Now to such an arrangement as that, a large portion of the clergy of the Established Church in Ireland, and upwards of 40,000 Irish Protestants, conscientiously objected. He asked that something might then be done for them, so that the assistance of the State would be extended for educational purposes to every denomination of Christians. He would ask why the conscientious scruples of Irish Protestants upon that subject should not be respected, as well as the scruples of any other portion of Her Majesty's subjects? That was the whole of the question. He need not stop to argue whether they were right, but would ask whether there was any reason why their conscientious objections should not be considered, as well as those of any other class of Her Majesty's subjects. He knew no reason except one which he would presently speak of. The present First Lord of the Treasury had once stated in a letter that one reason for not giving support to the Protestants of the Church of Ireland was the wealth of that Church. He should be sorry to say anything uncourteous or uncivil respecting that noble Lord, but he could not conceive any sincerity in giving that answer; because, if the Government had been of opinion that the wealth of that Church was sufficient. not only to support its clergy, but also schools, they ought, by legal enactment, to have forced them to do so. But in order to refute that assertion, he would refer to an instance: in his own diocese there was a benefice, the population of which was 13,000, and the annual rent-charge only 48*l*. Would any one say that that sum was sufficient for the support of an incumbent, and for the maintenance of a school? Another reason why he did not think the answer of the noble Lord sincere was, that, with all the supposed wealth of the Church, no objection was made to assist a richly beneficed clergyman and his schools out of the public funds, provided he complied with the orders of the Board. If he would only give up his principles, they would advance him the money. As illustrative of the mode in which the Government sought to drive men from their principles, he might mention the case of a clergyman in the county of Limerick, who had taken an active part in superintending the distribution of the funds sent over from England for the relief of the poor. That clergyman had, by his just performance of his duties, become obnoxious to the people, and threats were used against his life and the lives of his family. Anxious to exchange his benefice, he wrote to the Government, stating that he wanted no greater emoluments, but he desired to be sent to a place where his life would be safe, and he wished to know whether they would sanction the change. To his first request no answer was returned; but on applying again, the private secretary of the Lord Lieutenant wrote to him to know what he thought of the National Board. He had no wish to say anything against the Lord Lieutenant, to whom they were all greatly indebted, but such was the answer of his private secretary. Afterwards, when the clergyman in question wrote that he was an enemy to the National Board, they informed him that they could not consider his application. Why did Government act in this way towards the Protestants of Ireland? Why should not the Church Education Society be allowed a medium of communication similar to that which was accorded to the Roman Catholics in England by the Minutes of Council? Why should not the Church be inspector of its schools? If its schools were placed under the Board, they must be inspected by persons in whom churchmen could place no reliance, and who would act rather in a spirit of hostility than of fairness. The rule regarding Roman Catholic inspectors was, that they might inquire as to literary and educational points, but that they were to make no remarks about religious instruction. They might teach what they pleased—all or none of the Scriptures; but if the inspectors of the Protestant schools under the National Board should discover that the Scriptures were taught in the schools, and that some of the parents of the scholars objected, then the school was no more entitled to assistance? It was said, the persons who were to be sent as inspectors to the Roman Catholic schools, were persons to be approved of by the Roman Catholic School Committee; whereas the Protestants must take inspectors in whose appointment they had no voice—

men who would come to them in a spirit of hostility. And what was the rule of the Roman Catholic schools? They were to inspect the scholars as to their literary advancement, but they were to make no remark as to their religious instruction. They might or might not teach the children the Scriptures as they liked—that did not stand in the way of their getting assistance. But if they came to the Protestant schools, and found the Scriptures were taught in school hours, when some of the parents of the children objected to it, that school was no longer to receive assistance. Was that, he asked, acting in a spirit of fairness to Protestants; and why should they be so treated? This conduct implied an imputation on them, as if the Protestants of Ireland had done something that disqualified them from receiving assistance for their education. This was rather a painful part of the subject; it was painful to make any comparison between Protestants and Catholics; but he (the Bishop of Cashel) would not be acting fairly towards the petitioners if he did not plead their cause, and show they were not deserving of such treatment. There was nothing in the conduct of Protestants to show that they should be ill-treated. It could not be said that they were ill-treated in consequence of any doctrine they held, neither could it be alleged that they were ill-treated because they had evinced any want of loyalty, or because they were bad members of society; they had strong proofs to show that no such imputation could be urged against them. There was a panel furnished some time since for the county of Tipperary, consisting of 280 Protestants, and eighty Roman Catholics; and a strong memorial having been sent to their excellent Lord Lieutenant on the subject, he was obliged to justify the Roman Catholic Attorney General for setting aside the few Roman Catholics on it. He stated they were set aside not because they were Roman Catholics, but that being Roman Catholics they were repealers, they were disaffected; but that was not said of Protestants—it was not said that they were repealers, or disloyal, or not likely to give a fair verdict. There were disturbances in Waterford; and the mayor, himself a Roman Catholic, called upon the inhabitants to come forward to be sworn as special constables. There were 27,000 inhabitants in Waterford—22,000 Roman Catholics, and 5,000 Protestants. Out of that number there were 280 special constables sworn, of whom eighteen only were Roman Catholics, the remaining 262 being Protestants. Those Protestants came forward to defend the lives and properties of Her Majesty's subjects; and surely they should not be thrown aside, and told that no assistance should be given to them to teach their children to fear God and honour the Queen. At the time of the ridiculous rebellion at Ballingarry, on the part of Mr. Smith O'Brien, and a miserable following of 500 or 600 men, something was said to the disparagement of the priest of the parish, and, unfortunately for himself, the priest wrote a defence of himself. He was reminded by that defence of the saying, "Oh, that mine enemy would write a book!" He said it was his fixed resolution not to interfere at all in this outbreak, but to look on with indifference. That passage was contained in the exculpatory letter which the priest wrote of himself, for fear worse might be thought of him. The right rev. Prelate read a letter written by the Rev. P. Fitzgerald. In contrast to this he might mention the case of a clergyman (the Rev. Mr. Meddlecott) of the Established Church. He resided in Waterford, and in September last, on being informed that the country was up, and an attack about to be made on the police barracks, he went and informed them of it. He found in the barracks six policemen, five of whom were Roman Catholics; and it ought to their honour to be stated, and one Protestant. They all stated their determination to defend themselves, and not to give up their arms. In a short time an attack was made by 500 or 600 of the people, but they were repulsed by the six police, with two killed and several wounded. It could never be otherwise than for the good of the empire to have men educated in the principles which inspired the loyalty of the individuals to whom he had referred. He thought there could be no dispute now-a-days about the value of Protestantism. On this point they had recently had a testimony which, coming from an unexpected quarter and from an eminent person, who lately was a Member of the present Administration, was of some weight—the more especially as he had formerly taken a conspicuous part in the debate respecting the Irish Church. [Mr. Macaulay, from whose *History of England* the right rev. Prelate read an extract.] Before concluding, he wished to notice one or two facts not generally known in this country. It was usually said that the great evil of Ireland was over-population. But it was not known that the most densely peopled parts of Ireland were the most flourishing, and those in which the people were most prosperous. The number of acres, arable and otherwise, in the different parts, and the proportion to the population, was as follows. In Munster, 6,064,000 acres, 3,874,000 of which were arable; population, 2,396,000—more than one and a half arable acre to one soul. Ulster, 6,475,000 acres, 3,407,000 of which were arable ; population, 2,386,000—less than one and a half arable acre to one soul. Armagh, 380,000 acres, 265,000 of which were arable ; population, 232,000—more than one (not one and a quarter) arable acre to each soul. Mayo, 1,363,000 acres, 497,000 of which were arable, population, 388,000—more than one and a quarter arable acre to each soul. The proportion of those who could read and write, and of offences in different provinces, was as follows. Munster, 367,000 could read and write ; 541,000 could not read and write. Ulster, 412,000 could read and write ; 358,000 could not read and write. Offences within the year : Ulster, 1,465; Munster, 3,279; Connaught, 3,314. There was a wonderful difference produced amongst the people by education. In the south the good effects of education were seen, and in that respect the Protestants in Cork were far superior to those in the north. It was not only wrong in principle to keep down education among the Protestants, but it was inexpedient, it was fighting against the true interests of the country. The Protestants of Ireland ought to be allowed the full benefit of education, and to have the opportunity of extending it to their neighbours. He called upon their Lordships by the respect they had for the Word of God—by the regard they must have to the best interests of the people—by the desire they must entertain to promote the social and real interests of the country, that they would give a favourable hearing to the petitioners, and show themselves disposed to give to the Protestants of Ireland the same assistance for the purposes of education which was given to every other class of Her Majesty's subjects.

The Archbishop of DUBLIN observed, that so far from wishing to oppose the Motion "that these petitions do lie on the table," he would be glad to welcome an inquiry by commissioners appointed for the purpose, into the whole system of national education in Ireland, because he was convinced that a great portion of the opposition to the principle arose from a misapprehension of facts. It was strange that this should be so, after the matter had been so frequently discussed and examined into; but he would be prepared to prove that the facts differed materially from what they had been represented to be, and that the commissioners, if appointed, would find that extraordinary delusions prevailed, not only in Ireland, but in England even, as to matters of fact. He would not stop to dwell upon the difference that existed between the systems of education adopted at the English and Irish universities, but he would only advert to the circumstance that in neither country had the principle been adopted of one system of education for the rich, and another for the poor. In the English colleges, the full benefits of education were not extended to all alike; but at Trinity College, Dublin, Roman Catholics and Dissenters could come in and receive the benefits of education upon equal terms. If that system were to be left unaltered, and the system of the education of the poor changed, so as to have separate schools established for each religious denomination, they would be setting up one system of education for the gentry and another for the poor. He would not go into the question as to whether that might or might not be advisable ; but he hoped no ground would be afforded for saying they were more intolerant in their dealings with the lower than with the higher classes. Roman Catholics and Dissenters were admitted to Trinity College, Dublin, upon equal terms, to receive secular instruction, and they could also take degrees; and, in fact, the greater part of the Irish clergy and gentry received their education within its walls. This circumstance made it hard for him to believe that Protestants could entertain conscientious objections to allow their humbler fellow-subjects to receive the benefits of education upon the same terms on which they had themselves received it. He was convinced that a very large portion of the objections which had been raised to the system of education laid down in the national schools, arose from a misapprehension of many particulars, and from a very incorrect use of language. He believed that many Protestants laboured under the impression that the Scriptures were excluded from these schools. Now, to speak plainly, this was not a fact. The Scriptures were only excluded in this sense that the teacher was not permitted to force religious instruction upon any adult student, contrary to his religious convictions, or upon any child contrary to the religious convictions of its parents. He must say he could not sympathise with or respect the conscientious scruples of a person who objected to have his children educated under such circumstances, while at the same time he wished to have a particular kind of instruction forced upon the children of another person. It would, he thought, amount to great profanation to urge a person to receive the communion of a church in the faith of which he did not believe, and the doctrines of which he did not practise. This was the very last way in which they ought to show their reverence to the Word of God. There was a rule at all the national schools that the children were to receive religious instruction, and that certain stated hours were to be devoted to that purpose. Would it therefore be consistent with propriety and good order that a lesson in Euclid or Virgil was to be suddenly interrupted, and that a person were to say, "I think you had better stop now and let me read the Bible." The only restriction practised in the national schools was that to which he had alluded. There was sufficient time allowed for religious instruction, but there was no time for what might be called "coercive Scripture." They were taught in that Book to which reference had been made so often by the right rev. Prelate who had presented the petition, that we ought "to do unto others as we would wish others to do unto us;" and who, he would ask, would like his child to be compelled to learn the Koran, or the dogmas of some religion in which he did not believe? He contended that we had no right to force the practice of our religion upon any person against his convictions, or to have recourse to any means to induce a person to profess a religion in which he did not believe. He was also convinced that, if the persons who had subscribed their names to the petition were aware of what they were asking for, they would, themselves, deprecate the introduction of any such scheme, for there were many hundred parishes in Ireland in which, if it were carried out, the children of Protestants would be either left without any instruction at all, or compelled to receive it under the control of a Catholic priest. If there were several schools in a town, so that the children of all religious denominations could receive the benefits of instruction in an establishment conducted by persons of their own faith, then the case would be different; but in Ireland there were hundreds of parishes in which the Protestants of the humbler classes were in a very small minority. In many parishes there were only six or seven Protestant children, and in many others not a dozen; and it would be impossible to have a school for the accommodation of so small a number. Therefore, if the wishes of the petitioners were carried out, the minority would have to be left without instruction, or be compelled to go to a school purely and exclusively Roman Catholic. It was true that in some cases it might so happen that the Catholics would be in the minority, and be compelled to remain uninstructed, or go to a Protestant school. This, he was sure, was not the desire either of the Protestants or of the Catholics of Ireland; for both would deeply abhor a system that would preclude their children from receiving secular education, unless it was to be accompanied with religious instruction in a faith in which they did not believe. He was convinced that, if the major part of the petitioners were aware of the consequences of breaking up the existing schools, and making separate establishments, they would shrink from it for their own sakes. To show that he was justified in stating that the greatest ignorance and misapprehension existed with reference to the religious instruction imparted in the national schools, he might be permitted to mention a case which came under his own cognisance. It was that of a Protestant clergyman of great respectability and high character, and who was, moreover, on tolerably friendly terms with the Catholic clergyman of the parish. This gentleman, notwithstanding that a national school was established in his parish, and that the Scripture Extracts used in it had been published sixteen years, was, until lately corrected in his erroneous impression, labouring under the idea that the Extracts were taken from the Douay version of the Bible, and that this had been done to suit the wishes of the Roman Catholics! This gentleman had never had the curiosity to compare the Extracts with the Douay version, and, strange to relate, he had never met with a Protestant friend to enlighten him on the subject. As another instance of the ignorance which existed in Ireland on the subject of the national education system, he might be permitted to allude to this fact, that in many quarters of the country the opinion still prevailed amongst intelligent Protestants that the words "Do penance," which had been introduced instead of the word "repentance" into some of the selections from Scripture sixteen years ago, but which had been expunged immediately afterwards, were still to be found in the text. In conclusion, he would only observe, that if it should be proposed to appoint commissioners to inquire into the working and practical effect of the national system, he should not be disposed to offer any opposition to such a proceeding, provided the inquiry were conducted in a manner which would enlighten the public as to the true circumstances of the case. He should not be at all disposed to resist such an investigation; for if it were carried on in a becoming spirit, he was persuaded that the result would be that many well-meaning persons who had signed the present petition would be brought to see that they had done so in utter ignorance of the true state of things. If it should appear that the members of the present Board of Commissioners had not done their duty in a satisfactory manner, he—speaking for one of them—would be very glad to be succeeded in office by a man more competent than himself. The most laborious, painful, and indeed he would add, odious, duty of a Commissioner of Education, he had undertaken with a view to the public good in Ireland, and not at all in the expectation of acquiring favour for himself; and if it should be found that he had not been so fortunate as to discharge his duty in a satisfactory manner, he would very much rejoice to have his shoulders relieved of the burden.

The Bishop of LONDON: He had had the happiness of a long and intimate acquaintance with the most rev. Prelate who had just resumed his seat, and he gave him full credit for the untiring zeal with which he had on all occasions discharged the important duties he had undertaken in connexion with the national system of education in Ireland. However, while he willingly made this admission, he was obliged in candour to express his dissent from many of the doctrines propounded that evening by the most rev. Prelate. He could not agree with the most rev. Prelate in principle, nor, he feared he must add, in detail, so far as the present question was concerned. It was easy to make an allegation to the effect that the persons who had signed the important petition which was then lying upon their Lordships' table, had done so in utter ignorance of the true state of the facts; but surely it required more than an ordinary amount of credulity to make one place reliance on any such assertion. Who were the men who had signed that petition? From 1,400 to 1,500 of them were clergymen of the Established Church in Ireland—men who, it was to be supposed, were not only deeply conversant with the theory of the system, but were competent to speak of its actual results from practical observation. Was it to be imagined that such men could be ignorant of the real operation of the system they condemned? He did not think that the idea could obtain credence for a moment. The members of the Church Education Society did not want to drag the children of Roman Catholics to Protestant schools. All they wanted to do was, to protect Protestant parents from the intolerable oppression of being obliged to send their children to schools which were virtually and to all intents and purposes Roman Catholic schools. The great majority of the schools in the north of Ireland were, if he was informed aright, Presbyterian schools, while the majority of those in the south were Roman Catholic; but then, the majority of the population being Roman Catholic, it might with truth be said that the stream of public bounty flowed for the most part towards the Roman Catholic children. They had heard a great deal about justice to Ireland; but it was time that justice should at length be done to the Church in Ireland. He did not think that that Church had been fairly dealt with of late years with respect to the great question of national education. In 1832 he opposed the present system of national education, on the ground that it was not based on the Scriptures. The same objection applied to it still. The prelates and clergy of the Established Church in Ireland claimed on behalf of that Church the right to give to the children of all those who were entrusted to their spiritual care the Scriptures whole, unabridged, and undivided; and if he resided in Ireland, and had a care of souls, he certainly would not send the children of his flock to schools where not only they themselves, but the other children with whom they associated, would be debarred from the benefit of scriptural instruction. The majority of the prelates and parochial clergy of Ireland, in spite of all the efforts which were so perseveringly made to make them look with favour on the national system, had, to their own temporal detriment, and to the utter ruin of their hopes of promotion, persisted in offering it an uncompromising opposition; and this argued an honesty of purpose and a sincerity of conviction which entitled their opposition to greater consideration than the most rev. Prelate (the Archbishop of Dublin) appeared disposed to award to it. He was sure the noble Lord, who might be said to be the parent of the present system, would not be displeased if he ventured to direct his attention to these facts, that in the year 1832 the Synod of Ulster agreed to a resolution declaring that it was their decided conviction that in a Christian country the Bible entire and unmutilated ought to be the only basis of religious education; and that a Presbyterian minister of eminence had used language yet more forcible and unqualified in a pamphlet, in which he vindicated the conduct of the Synod. Such being the tone adopted by the Presbyterians of Ireland, surely it ought not to be wondered at that the clergymen of the Established Church in that country should use language equally uncompromising, and pursue a course equally independent. He gave the Irish clergy who advocated scriptural education the fullest credit for the course they had adopted. It manifested the truest sincerity on their part, and the utmost possible singleness of purpose, for it could not be forgotten that every discouragement was given by those in authority to those who regarded the national system with disfavour, and that encouragement was only accorded to those who approved of it, and endeavoured to carry it into operation. He entirely concurred with the petitioners in thinking that the only way to insure a Christian education for the Irish population was to have a separate system for each class of religionists, so that one might not interfere with another. The most rev. Prelate (the Archbishop of Dublin) had endeavoured to justify the national system of education, on the ground that it was analogous in principle to that adopted at Trinity College, in Dublin; but he did not think that any true analogy could be established between the cases. No such rule prevailed in Trinity College with respect to the use of the Scriptures as was enforced by the Board of Education; and it should, moreover, be remembered that the students of Trinity College were not under the immediate influence of the Roman Catholic priests, as the scholars in the national schools usually were. He was most decidedly of opinion that their Lordships were bound to give to the prayer of the present petition their most serious consideration.

The Earl of WINCHILSEA said, when he considered the difficulties the Protestants of Ireland had to contend with, in availing themselves of the system of education advocated by a nominally Protestant Government, he could not help coming to the conclusion that the means adopted by them with regard to national education must necessarily—from the system adopted and the numbers attending it—increase the members of the Church of Rome. When he considered that the property of the Established Church had suffered considerable diminution of late years—that the means of the clergy were fearfully reduced by the large reductions that had taken place in their incomes, owing to the alteration in the value of tithes—when he considered that the whole patronage of the Government was conferred upon those persons connected with the Church who supported the national system of education, although they had bound themselves to promote to the best of their power the religious and scriptural education of those entrusted to their care—he feared that the Government was determined to follow out in Ireland a system which had been already productive of the most lamentable results. Little, however, did he expect to hear in that House a Bishop of his own Church get up and say that a petition, signed by 1,300 or 1,400 clergymen of the Church of England—that a body of men who lived in the hearts and affections of every sound Protestant, and of every sound member of the Church of Christ in that country—little did he think that he should hear such a body of men charged with having put their names to a petition which they did not understand. These petitioners prayed that a different system might be adopted with regard to the grants of public money given for educational purposes in Ireland. The petitioners were not averse to granting the Roman Catholics the means of educating their children; but what they complained of was, that they, the Protestants, were compelled to violate their consciences by sending their children to those schools. All that he asked for the members of the Church of England was, that they should have fair play. He did not object to the Government giving to the Roman Catholics, and to every other denomination, grants of public money for the purposes of education. He would not force any man to change his religious opinions: but this he would say, that he sincerely trusted the clergy of his own Church would never be compelled to act in direct opposition to, and to violate, their consciences and feelings, by being compelled to adopt the present system. He trusted their Lordships would take the petition into their consideration, and give it the attention it deserved.

The MARQUESS of LANSDOWNE said, I do not object to the petition being laid upon the table; but at the same time I must say—without going at length into the various considerations which have been urged in the course of this debate—that I think I ought to state, on the part of Her Majesty's Government, that I cannot hold out hopes of any alteration being made in the system of education which has now been adopted with respect to Ireland for fifteen or sixteen years—and adopted, too, after the fullest consideration. Neither can I hold out any expectation that Her Majesty's Government have, any more than I, as an individual, altered the opinion formed at the time the system was first introduced, that the case of Ireland, on the subject of education, ought to be treated in a totally different manner to that of this country. The grants for education were made for the poor; and the great mass of the poor in Ireland being of the Roman Catholic persuasion, by no other measure could a superior degree of education be substituted for that imperfect, and worse than imperfect—that mischievous system of education that was previously in use. By no other means than by a system to which the priests of that communion need not object, could the benefit of education be extended to the poorest of Her Majesty's subjects in that part of the realm. I now hear it said that we might make specific grants for the education of Roman Catholics. I am glad to hear the noble Earl who hast just sat down does not object—

The EARL of WINCHILSEA: I did not mean to say that.

The MARQUESS of LANSDOWNE: I am glad to hear that the noble Earl would now make no opposition—

The EARL of WINCHILSEA: Do not misunderstand me. I did not mean that such a proposition in that shape would have my opposition.

The MARQUESS of LANSDOWNE: The words of the noble Earl certainly led directly to that conclusion. But I am not prepared to say when, after so long a trial, the experiment has been found to effect the great object it was intended to accomplish, namely, the better education of the great mass of the people, and when it has succeeded so completely, that we will now adopt a totally different and a more partial system—a system of division which would withhold from the poorest class, the Roman Catholic poor, the benefits of education altogether. I am not prepared to forego the advantages we have already received, to introduce a plan which would set school against school—would introduce perpetual rivalry into every parish—set priest against clergymen—bigot against bigot—and give an impetus to that religious hostility which even now so unhappily prevails in Ireland. I am sure your Lordships would not give assistance to the Protestant, without giving at the same time assistance to the Catholic. I strongly object to exclusive benefits being given to either. I know there are some who would prefer that. The right rev. Prelates who have now left the House (the Bishops of London and Cashel) are, I believe, of that opinion; and conceive that they would benefit the Protestant religion by introducing these elements of strife. They have a powerful ally in the titular Archbishop of Ireland (Dr. M'Hale). That man of peace and concord is anxious to join with them in doing justice to both creeds, and professes, with them, to be alarmed at the introduction of the Scriptures, which, notwithstanding they are falsely said to be excluded, have practically found such an introduction into these schools as to alarm that right reverend person. He has said, day after day, "give me exclusive schools, if you will; but do not let my Roman Catholics be betrayed into places where the Scriptures are taught." We, however, are not prepared to do that. I think the peace of Ireland is more likely to be maintained by continuing a system common to all, which was introduced sixteen years ago, which has been supported by successive Governments, which has gone on, year after year, extending its benefits and attracting to it, if not a majority, many of the most pious and respectable of the Protestant clergy—attracting to it also a body which I do not undervalue, the Presbyterians of the north of Ireland—persons not less attached to their religion than the right rev. Prelates are to theirs—persons who would not think themselves called upon to take the advice of the right rev. Prelate who spoke last, as to what conduct would best promote the interests of their religion—persons who would feel themselves sufficiently capable to form a judgment of their own upon the subject, and who are not disposed to withdraw their assent, which was deliberately given, to that system when it came to be explained to them. It possesses, then, the approval of the Presbyterian body—the confidence of the Roman Catholics—the support of the most respectable of the Protestant clergy—the sanction of the Synod of Ulster—and it has now upwards of 500,000 children under its instruction. Of course the great majority of these are Roman Catholics; of course they are essentially Roman Catholic schools; but that is because the country is essentially Roman Catholic. How could any system of education in a Roman Catholic country be other than Roman Catholic? The schools must be Roman Catholic, because they are Roman Catholics who go to them; but in no other sense are they so. In all these schools there is instruction in the Scriptures, but it is not given in the hours devoted to secular instruction. I wish that in every school and college in this country, the pupils were taught as much of the Scriptures. I am sure, that if not formally, they are practically; the Scriptures are here much less taught than in those schools. I must again say, this is a system not now on trial, but one which has been tried; and that it has now half a million of the population under its operation. I say, that the system which at certain hours permits the children to be taught the Scriptures by ministers of all religions who may choose to teach them, has been attended with the happiest effects as to religion generally. I am not prepared to disturb that footing. I am not anxious to introduce the elements of discord where peace prevails. The Protestant children may be educated in the Protestant religion under their own ministers; but if they do not choose to do that, they are the richest portion of the population, and have other means of obtaining that education which, under this system, we are anxious to convey to the cottages of the poorest. The request of the petitioners has been made before, more than once, and it has been as often refused. By that refusal I am now prepared to abide. I can hold out no hopes of this question being reconsidered. I think we should be perfectly unjustified in disturbing a system which, your Lordships will perceive, by the report that I have laid on the table of the House to-day, has been so successful.

Petitions ordered to be laid on the table.

House adjourned until To-morrow.

HOUSE OF COMMONS,

Thursday, May 3, 1849.

MINUTES.] PUBLIC BILLS.—1° Smoke Prohibition; Accounts of Turnpike Trusts (Scotland).

PETITIONS PRESENTED. By Sir Ralph Lopes, from Clyst Honiton, Devonshire, against the Parliamentary Oaths Bill.—By Mr. Bright, from Persons resident in London and its Vicinity, for Universal Suffrage.—By Mr. Townley, from Royston, for the Clergy Relief Bill.—By Mr. Goulburn, from Cambridge University, against, and by Lord John Russell, from London, in favour of, the Marriages Bill.—By Mr. Duncan, from North Leith, against the Marriage (Scotland) Bill.—By Mr. M'Gregor, from Glasgow, against, and by the Earl of Lincoln, from Coatbridge, in favour of, the Sunday Travelling on Railways Bill.—By Mr. Cockburn, from Southampton, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Cardwell, from Everton, Lancashire, respecting the Lancashire County Expenditure.—By Mr. Evans, from the Guardians of the Chesterfield Union, for the County Rates and Expenditure Bill.—By Sir Charles Burrell, from West Grinstead, for Repeal of the Duty on Malt.—By Mr. Cowan, from Lasswade, County of Edinburgh, for Repeal of the Duty on Paper.—By Lord Hotham, from several Places in the East Riding of the County of York, for Agricultural Relief.—By Mr. William Fagan, from Cork, against the Attachments, Court of Record (Ireland), Bill.—By Mr. Hale, from Winterbourn, Devonshire, for an Alteration of the Law respecting the Conditions on which Grants for Education are dispensed.—By Mr. Bremridge, from Ilfracombe, for the Prevention of certain Nuisances and Obstructions on the Barnstaple and Ilfracombe Turnpike Road.—By Mr. Sharman Crawford, from Queen's County, for an Alteration of the Law of Landlord and Tenant (Ireland).—By Viscount Melgund, from Greenock, against the Lunatics (Scotland) Bill.—By Mr. Octavius Duncombe, from the Guardians of the Kirkby Moorside Union, for the Suppression of the System of Pauper Tramping.—By Mr. Milner, from the Erpingham and Swaffham Unions, for a Superannuation Fund for Poor Law Officers.

MARRIAGES BILL.

Order for Second Reading read.

Motion made, and Question proposed—"That the Bill be now read a second time."

MR. GOULBURN having presented several petitions against the Bill, proceeded to move that it be read a second time that day six months; and in so doing he said, he was sensible that in opposing the Bill he had imposed upon himself a duty which, under any circumstances, would have been painful. It was painful to him to find himself opposed on a question of religious obligation to many persons for whom he entertained the highest respect, and to whose opinions, under ordinary circumstances, he should be most ready to defer; and he could assure his right hon. and learned Friend the Member for Bute, that it was an aggravation of that feeling to find himself in opposition to him. It was painful, also, to him to resist the wishes of many who, having violated the law, looked to the present measure as a means of relieving themselves from the penalties to which, by such violation, they had rendered themselves liable. Above all, it was painful to him to resist the wishes of others who, anxious to enter into marriages which the law now forbade, had hitherto been restrained by a sense of the obligation imposed upon them by the law, from contracting marriages which they thought would add to their comfort and happiness. But he felt too strongly the importance of the present question to allow personal motives of any kind to influence the course he was about to take. That course was not unattended with difficulties. He felt most deeply, what he was sure every man must feel, that this was a question which it was not easy to deal with in Parliament. Religious questions were those least calculated for discussion in that House; and when the subject was, as in this case, the correct meaning of a divine command conveyed in Holy Writ, it seemed rather fitted for an assembly of divines and holy men, who might calmly meditate upon and discuss the portions of the Scripture by which such questions were to be decided, than for a popular assembly, in which conflicting passions and interests entered into and influenced the controversy. He only hoped that nothing would fall from him which should in the slightest degree lead, either on his own part, or on that of others, to anything like irreverence, and that he should say nothing which could be construed by any man into censure or blame of those from whom he differed. The subject which the House had to discuss this evening, was the whole law affecting the prohibited degrees of marriage in this country. His right hon. and learned Friend, indeed, had taken a much narrower basis, for he had limited the indulgence to be granted by his Bill to two particular cases—namely, marriage with the sister of the wife, and with the niece of the wife; but those who looked into this subject must perceive that it was impossible for the House to limit itself to the consideration of these two relaxations—that if the law were relaxed at all, it must be relaxed upon something like principle—and that such relaxation, therefore, must go far beyond the point to which the right hon. and learned Gentleman proposed to extend it. The relaxation of two, and one of them not the more distant of the prohibited degrees, would naturally lead to the relaxation of those that were nearer, and so legislation would be carried on with a velocity that could not be stopped, until all restriction, save that of consanguinity, was removed. As the law stood at present, it rested upon a recognised principle. All marriages within the fourth degree were prohibited; all beyond it were excluded from prohibition; and if one class of marriages were relaxed, those within the same scale or degree must be relaxed also. The Bill of the right hon. and learned Gentleman was an example of this necessity, for it originally professed to provide only for the case of a marriage with the wife's sister; but it appeared that when he came to consider the case, he reasoned with himself that it would be preposterous to make a relaxation with respect to a marriage in the second degree, and not to extend a similar relaxation to one in the third degree—namely, the niece of the wife; and thereby laid down the principle that if relaxation within the one degree were to be made, prohibition within the other, and that more distant, could not be maintained. The House must therefore regard the whole law of marriage as being this evening put upon its trial; and put upon trial, too, under circumstances more unfavourable than those under which any former law had been tried. There had been a commission appointed to inquire into the subject, the report of which had been laid upon the table, together with the evidence. And what had the commission told the House of the course that had been pursued? It appeared, from the evidence, that for the last six years there had been an organised system of impressing upon the public mind a sense of a particular grievance arising out of this particular law—that gentlemen of great ability had been employed in ransacking the country for materials by which such an impression on the public mind might be confirmed and extended. For six years past the press had been employed in writing up this grievance; and nine or ten gentlemen of the legal profession had been sent forth into different parts of the country, to examine witnesses, and record their testimony so as to bring it to bear through this commission, upon the opinion and judgment of that House. And, be it observed, that during all these proceedings there had been no power of cross-examination allowed to the opposite side; there had been no means of bringing before the public those cases of grievance which the relaxation of the law would produce; or of the evil consequences which would flow from it; but all that had been collected went to show that of all marriages contracted, the happiest were those which the law at present prohibited. Upon such evidence the House was called upon to legislate, and to extend the limits within which it was supposed by some that marriage was at present improperly confined. He did not accuse those gentlemen who had been going about the country of having perverted the truth. Let him not be misunderstood upon that point. But he did say, that gentlemen under the influence of a particular bias, getting up evidence to establish a particular grievance, with a view to carry a particular object in which a number of persons were interested, tended to an exaggeration of the case on the one side, and a depreciation of it on the other. That that had been so in this instance, appeared from the evidence itself. The first argument that had been used in favour of relaxing the law, was the extent to which, in the present state of the law, the violation of it had proceeded. Now he would frankly admit, that there might be a case where offences were numerous from being too severely visited, and a relaxation of the law might in such case conduce to the prevention of the crime; but then these were offences which all had a direct interest in putting down, because they were at variance with the feelings and interests of men; and therefore a relaxation of the law left in all its strength the general desire for the repression of the crimes in question. But with respect to the offence now under consideration, the case was different: there were in the heart of men propensities and feelings that led to a violation of the law intended for their control; and therefore it was not a matter which could be in doubt that the relaxation of the law would aggravate the evil. If, however, the extent of the offence were to be the principle which should justify a relaxation of the law, he asked them whether they were prepared to adopt that rule in other cases—whether, if they perceived great neglect of the Sabbath, they should therefore think it right to relax the prohibitory statutes in regard to its desecration, and countenance a forced relaxation of the divine law, which had consecrated the day to religious purposes? Other cases might be quoted whence the fallacious character of such a principle would be equally apparent; and, if they were not prepared to affirm the principle in these cases, how could they proceed to apply it to the question before the House? So much for the deduction which others made from the facts they had assumed. But he was prepared to controvert the fact that the violation of the law had been as extensive as was described in the report of the commissioners. He said, with respect to that report, that part of it was a statement of facts. But, on the other hand, part was imaginary, and, as usual where wishes and imagination united dealt with any subject, the bias to which he had adverted led to error. It was stated, upon the faith of information obtained by the commissioners, that they had been able to discover illegal marriages of this description during the course of fifteen years—the period which had elapsed since the introduction of the Bill proposed to be repealed—to the number of 1,500 only; and the commissioners made a calculation upon that basis, as to the number of such marriages which they supposed had taken place throughout the country. They wished the House to believe, that during the period which had elapsed since Lord Lyndhurst's Bill, the number of marriages of a widower with his deceased wife's sister amounted to no less than 30,000. If hon. Members would take the trouble of reading the evidence, they would find it difficult to reconcile that statement with the facts stated by the different gentlemen who were examined before that commission. He wished the House to listen to the facts which had been elicited in the course of that investigation—elicited too, not from persons anxious to maintain the law as it was, but from those who were in favour of the alteration proposed in the Bill of his right hon. and learned Friend. He would take the witnesses in their order, and would begin with the clergy. The first was the Rev. Mr. Denham, who had charge of a parish with a population of above 2,000 souls. He states that "he knew of one such marriage, and thought there might be more among the lower classes." The next witness was the Rev. Mr. Hatchard, who had been for twenty-three years rector of Plymouth, with a population of 25,000. He had the pleasure of knowing that gentleman, and he could state fearlessly that no one was more active in the discharge of his parochial duties, or better acquainted with the circumstances of his flock. He says, "That of his own knowledge he could speak but of one case." He adds, indeed, that when he resided at Chatteris, before Lord Lyndhurst's Bill had passed, he had known of several cases; but that during twenty-three years' residence in a population of 25,000, he knew of one case only. Next came the Rev. Mr. Owen, rector of Bilston, with a population of 22,000. He did not think that one case had occurred in his district, but he had heard of four in the neighbourhood, and of seven in the diocese of which he was surrogate, the population of which was 780,000. The Rev. Mr. Jenkins, however desirous he was of a change in the law, knew of no instance in his own flock of 3,000 persons; the Rev. Mr. Garbett, the rector of St. George's, Birmingham, with a population of 20,000, knew of two or three cases among the higher classes, but not of one since the year 1835; and this gentleman was surrogate over two dioceses, with a population in each of from 600,000 to 700,000. So much for the testimony of the ministers of the Church of England who were anxious for the relaxation of the law. On the other side, the Rev. Mr. Tyler, rector of St. Giles's for 23 years, stated that he did not know one instance of the particular kind of marriage in his parish since he was rector, and yet he had made a most careful inquiry on the subject. The Rev. Mr. Sinclair, of Kensington, gave evidence similar to that of Mr. Tyler; and the Rev. Mr. Hales, of St. Giles's, Cripplegate, gave similar testimony. Thus, as far as the testimony of ministers of the Established Church went, it was shown that in a population of 310,000 persons no more than five or six cases of the marriages in question could be spoken to within a space of fifteen years. Now, with respect to Dissenters, Dr. Cox, a Baptist minister, having 150,000 persons under his control, stated that such marriages were not frequent, and that he had the best means of ascertaining the fact. Mr. Binney, of Fish-street-hill, gave similar evidence, adding that he knew of one case of hardship, but could not say that the law was disregarded by the poorer classes. A Roman Catholic bishop, the Rev. Dr. Wiseman, was also examined, and he certainly said that he had known several such marriages in the course of a year, but he specified no particular number, though anxious to procure a relaxation of the present law; and he added that he had never heard the laity speak much of the present law. The argument, then, being that the frequent violation of the law required the repeal of the existing statute; he maintained that the commissioners had failed to lay sufficient ground in their report to support such a change, even if it were admitted that a change in the law on that ground ought to be made. But there was futher evidence of the exaggeration of the commissioners: the whole amount of such marriages conjectured by them was 30,000 having taken place in the course of fourteen years, since Lord Lyndhurst's Bill had passed into a law. He had taken some pains to go through the register of marriages in England, which was annually laid before the House, and he found that at the period when Lord Lyndhurst introduced his Bill, the total number of marriages in England was 100,000 annually, and that last year they amounted to 144,000, there having been a gradual progressive increase from 1835 to the present time, with annual variations according to the times. But as they improved their statistical accounts, they got a more intimate knowledge of particular circumstances. There was latterly one column in the register which showed how many widowers had married spinsters; and, of course, that was just the class which the House had now to deal with. He found, then, that the number of widowers who married spinsters, the total number of marriages being 144,000, was 12,000 in each year, as nearly as possible. If, then, they took the number of marriages consummated with a deceased wife's sister during the lapse of fourteen years at 30,000, and supposed that these marriages had increased in just proportion with the others from 1835 to the present time, they would find that the proportion which would fall to last year, as the number consummated in that period, was somewhat more than 3,000. But as only 12,000 widowers married spinsters last year, it followed that three out of every twelve, or one out of every four, must have married his deceased wife's sister. He asked the House whether they could believe that one out of every four widowers who married, contracted marriage with his wife's sister? Yet the commission over which his right hon. and learned Friend presided made such a statement the basis on which they sought on this occasion to introduce an alteration of the law. As respected the multitude of cases, then, he would not dwell further. Another argument advanced by those on the opposite side was, that to prohibit marriage within the degrees now declared illegal, would necessarily encourage concubinage. Now, considering the relations in which the parties stood to each other, he could not for a moment suppose that the House would desecrate the whole law of marriage by yielding to such an argument; and, for his part, he could not consent, in order to prevent unlawful concubinage of an incestuous character, to legalise marriages of a nature equally incestuous. The real question which they had before them—a question demanding serious consideration—could not be better stated than in the words of one of the witnesses examined before the commission. First, was marriage of a man with his wife's sister prohibited by divine law; and, secondly, independently of divine law, was there no reason in the relationship itself for prohibiting it by the law of man? To both these questions he had no difficulty in giving an affirmative answer; he believed the proposed alteration was in opposition to the divine law, and that were it not in opposition to the divine law, he believed there were yet political and social reasons sufficient to prevent this Bill passing into law. He would consider the two questions in their order; and, first, he said it was in opposition to the divine law. This question was by no means a new one: it had been discussed by the ablest men of antecedent times, and it had been decided, as he believed satisfactorily, not only for their own generation, but for the generations that were to succeed. It had been decided at least 300 years ago, at a period when there was a greater amount of deep knowledge of the Scriptures, when the language of those Scriptures was, he believed, better understood, and when there was a more intimate knowledge of the theological history of previous times. It ought to be remembered by the House that this was no question of science, on which every year was likely to increase knowledge by enabling them to draw new deductions from a longer series of antecedent facts. The truths of Scripture were as well understood, and the laws as clear, at the moment of their promulgation, as at the latest period of the world; and the advantage which the men of former times possessed over the moderns, in addition to what he believed their superior ability and their superior knowledge, was, that their attention was not distracted by the vast number of new controversies and questions which had arisen in succeeding years, and which demanded attention at the present day. He concurred with his right hon. and learned Friend in this, that it would not be necessary, in discussing this question, to go back to the Christian era. He took his stand upon the period of the Reformation — he took his stand upon divine law, and upon the constructions put upon it by men who were distinguished in the history of this country for their ability; their information, their religious feeling and piety, their discretion and moderation. He begged the House to remember that those men who lived at the period of the Reformation were not interested in extending the prohibitions which Scripture imposed. They went to work on this principle, that they were to keep strictly to the literal words of the text, and to permit only such things as were permitted by the Scriptures, and to forbid nothing which was not forbidden in them. Such was the principle on which they based all their interpretation of Scripture, and on which they had come to the conclusion adopted on this particular question. But his right hon. and learned Friend, in the course of his speech the other night, in referring to Bishop Cranmer, said, that he being desirous of conciliating Henry VIII., with a view to the Reformation, adapted his opinion to the wishes of the monarch, or at all events, acted under an influence which disturbed the calmness of his judgment. Now, his hon. and learned Friend was rather hard upon the bishop; for Cranmer and he agreed in prohibiting the marriage of a brother with his brother's widow, which was the point then in dispute. But, independent of this, so far from there being the least ground for such an imputation on Cranmer's character, he found that Henry, having on one occasion caused letters to be written to him for a dispensation, to permit the marriage of one of his domestics within the prohibited degrees, he was answered by the Archbishop in the language which he would now read to the House. The Archbishop says—

> "Whereas your Lordship writeth to me in favour of this bearer, Massey, an old servant of the King's highness, that, being contracted to his sister's daughter of his late wife, deceased, he might enjoy the benefit of a dispensation in that behalf, especially considering that it is none of the causes of prohibition contained in the statute; surely, my Lord, I would gladly accomplish your request herein, if the word of God would permit the same. And where you require me that, if I think this license may not be granted by the law of God, that I should write to you the reasons and authorities that move me so to think, that

upon declaration unto the King's highness you may confer thereupon with some other learned men. For shortness of time I shall show you one reason, which is this:—By the law of God many persons be prohibited, which be not expressed, but be understood by like prohibition in equal degree. As St. Ambrose saith that the niece is forbid by the law of God, although it be not expressed in Leviticus, that the uncle shall not marry his niece. But where the nephew is forbid there that he shall not marry his aunt, by the same is understood that the niece shall not be married to her uncle. Likewise as the daughter is not there plainly expressed, yet when the son is forbid to marry his mother, it is understood that the daughter may not be married to her father, because they be of like degree. Even so it is in this case, and many others, for where it is there expressed that the nephew shall not marry his uncle's wife, it must needs be understood that the niece shall not be married unto the aunt's husband, because that is also one equality of degree; and although I could allege many reasons and authorities more for this purpose, yet I trust this one reason shall satisfy all that be learned and of judgment."

Cranmer, then, however desirous he might be of conciliating Henry VIII. for the purposes of promoting the Reformation, and the accession of Queen Elizabeth, yet gave expression to that which he believed to be the intention and spirit of the law of God, although it was unfavourable to the wishes of the monarch. He laid it down that marriages of this description were illegal. This opinion, however, did not rest on the authority of Cranmer alone, whatever might be thought of his authority; for he had now to remind the House that in the 5th of Edward VI., in the year 1551, just fifteen years after the date of the letter which he had read to the House, a commission was appointed to consider and to settle the ecclesiastical law. That commission consisted of thirty-two members, eight of them being bishops, eight of lower rank in the Church, eight gentlemen of the civil and eight of the common law. On that commission were some of the most illustrious men of the time for ability, religion, and rank. Among those in that commission were Archbishop Cranmer, Bishops Ridley, Coverdale, and Hooper, Dr. Taylor, Dr. (afterwards Archbishop) Parker, Dr. Latimer, aided by Peter Martyr, a man eminent for his wisdom and moderation; and the lawyers, too, were undoubtedly the most distinguished men of their time—the lights of their profession—men in whose statements and opinions, deduced from patient investigation, confidence might be placed on this or any other question. These individuals reported upon the different points of ecclesiastical law, and among those the question now before the House was considered as essentially important, and accordingly, having addressed themselves to it, they came to the conclusion which he would now read to the House. They say—

"Nor were these commands peculiar to the Commonwealth of the Israelites (as some think), but they have the same weight of authority which our religion assigns to the decalogue. But this is to be diligently observed in those passages of Leviticus, that all persons within the prohibited degrees are not there expressed by name. For the Holy Spirit lays down evidently and expressly those persons from which the like distances of the remaining degrees may be easily computed and settled. As, for example, where a mother is not allowed to marry with her son, it follows that a daughter cannot be allowed to be the wife of her father; and, if it is not lawful to marry the wife of thy father's brother, neither can marriage be allowed with the wife of thy mother's brother. Above all, we wish two rules to be attended to, of which one is, that we should understand that those places which are assigned to men, are assigned to women always in equal degrees of proportions and relationships. The second is, that a man and his wife should be considered to have one and the same flesh; and thus, in whatever degree of consanguinity any one stands to another, in the same degree of affinity he stands to the wife, and so conversely. And if we keep ourselves within these limits we shall not introduce more prohibited degrees than the sacred Scriptures have appointed, and we shall preserve whole and inviolate those degrees concerning which God has given us a commandment. And not only does the rule which we have now laid down apply to lawful matrimony, but has the same force with respect to any unlawful connexion."

Such was the conclusion at which they arrived after the most patient and searching investigation, first in committees of eight—afterwards in a full assembly of the whole commission, where the opinion of the lesser body was carefully reviewed and passed with the sanction of all. Such was the opinion of men distinguished in their times and distinguished in history—men who laid the foundations of the Church of England; these were the men who proclaimed to this country and to the world that marriage with a deceased wife's sister was contrary to the law of God, and ought to be contrary to the law of this country. And he would say that whatever number of exceptional individuals there might be, the people of England had concurred hitherto with the opinion of the great men whom he had quoted. The construction then given to the divine law had ever since been adopted by the Church of England. In the year 1561 another commission was appointed to regulate and order the affairs of the Church; and was there any difference between their opinion and those of the learned men to whom he had already referred? Quite the contrary; for in the report of this last commission there occurred this particular paragraph:—

> "It is agreed that all such marriages as have been contracted within the Levitical degrees be dissolved; and, namely, those who have married two sisters, one after another, who are by common consent judged to be within the case."

So that ten years after the preceding commission, and twenty-five years after the declaration of Archbishop Cranmer, the Church of England, by an authorised commission, again declared its adherence to the principle which the House was now asked to overturn. But if authority were regarded, he would add that in 1561 there was a very remarkable case of an individual, a bishop, who had taken no part in either of the commissions referred to, who was called upon to give his opinion upon a case of this description. That individual was the learned Bishop Jewell, who presided over the diocese of Salisbury—a man of whose merits it was unnecessary to speak in a house where the Christian religion was acknowledged. Bishop Jewell stated the points then in discussion. They were just the same as those now brought forward by the supporters of the present motion; and he said—

> "I reckon the words in Leviticus, whereupon you ground, are these, *Uxorem et sororem suam ad lacessendam eam, ne ducas, ut retegas turpitudinem ejus, illa adhuc vivente;* which words I know have been diversely construed by divers men, and in some men's judgment seem to sound of your side. Pellican, Paul Fagius, and Lyra, with certain others, think such marriage to be lawful; and that God forbad the having of two sisters in matrimony at one time, both of them being together onlyve. And that for the spightful and continual contention and jealousy which must needs grow between them, as appeared in the example of Jacob with his two wives, Rachel and Leah. And therefore some think the Jews continue such marriage among them, as lawful, until this day. Al these things hitherto make on your side; and the same would not greatly mislike me, saving that I find the judgments of the best learned men now living, and the continual practice of al ages, and in maner very public honesty, to the contrary.
>
> "The practice of former times appeareth by the canons; but I know you make smal stay upon the canons, and sooner rest your self upon these words in the text, *illa adhuc vivente.* And therefore thus you ground your reason: a man may not mary his wives sister, while she is onlyve; *ergo,* he may mary her after she is dead. This reason, *a negativis,* is very weak, and makes no more proof in logic than this doth, *Corvus non est reversus ad arcam donec exsiccatæ erant aquæ; ergo,* 'he returned again after the waters were dried up.'"

Then, after showing that in the Levitical prohibition there were certain cases within the prohibited degrees not specifically mentioned—of which no man would say that marriage was allowable, as, for instance, a man and his daughter, he went on:—

> "Wherefore we must needs think that God in that chapter hath especially and namely forbidden certain degrees; not as leaving al mariage lawful which he had not there expresly forbidden, but that therby, as by infallible precedents, we might be able to rule the rest. As when God saith, 'No man shal mary his mother,' we understand, that under the name of mother is contained both the grandmother and the grandfather's wife, and that such mariage is forbidden. And when God commands, that no man shal mary the wife of his unkle by his father's side, we doubt not but in the same is included the wife of the unkle by the mother's side. Thus you see God himself would have us to expound one degree by another. So likewise in this case, albeit I be not forbidden by plain words to mary my wives sister, yet am I forbidden so to do by other words, which by exposition are plain enough. For when God commands me I shal not mary my brother's wife, it follows directly by the same that he forbids me to mary my wife's sister. For between one man and two sisters, and one woman and two brothers, is like analogy or proportion, which is my judgment in this case."

The bishop, following the steps of the learned men who preceded him, came to the same conclusion as that to which they had arrived, namely, that marriage with a wife's sister was distinctly forbidden by the law of God. It is known that in 1563 the prohibition was renewed by Archbishop Parker's Table of Kindred and Affinity, which was directed to be hung up in all churches. It might be said that that table was no part of the law of the land. That might or might not be so; but he was not arguing the validity or invalidity of the canons. What he said was, "There is your own law, and upon that the case is conclusive." He referred the House to the opinions of the great men who founded the Reformation—translated the Bible—to those who had founded the Church of England, and he found that for an unbroken period of three hundred years the same principle had been maintained—that marriage with a wife's sister was contrary to the Scriptures. If, in the construction of Scripture, authority was to have weight, where would you find it more clear or conclusive? This was the ground upon which, independently of other considerations, he pronounced such marriages to be unlawful. But did the Church of Scotland approve of such marriages? Did the founders of that church, in their discussion and examination of the Scriptures, allow of them? Clearly not; it appeared upon the face of the evidence before the commissioners that the Church of Scotland was not only averse to the present measure, but that such marriages were in Scotland a civil crime. In the course of the discussions on this question, there had been brought in aid the opinion of a learned rabbi, and upon the opinion of that learned man the House was called upon to overthrow the existing law. He demurred to the opinions of a Jewish rabbi upon such a point. We knew that, 1,800 years ago, it was said they had "made the word of God of none effect by their traditions;" and no man who had examined the history of the Jewish Church since that period could doubt that their corruptions, though they might have varied, had continued up to the present day, so as to make their interpretation of the Scripture little available as a guide to any Christian nation. He, therefore, attached no weight to the opinions of the Jewish rabbi as an authority. With regard to the opinions of the Roman Catholic Church, he should be extremely delicate in using any expressions which might be considered harsh towards any member of that communion. He had certainly no such intention. But the House must remember that Dr. Wiseman, in his evidence, said he believed that it was only a provision of the ecclesiastical law which prohibited the marriage of a man with his wife's sister, and that what was prohibited by ecclesiastical law in the Church of Rome, might be dipensed with by the authority of the Pope. He (Mr. Goulburn) did not wish to enter into questions of such a nature; but he should have been tempted, had he been a member of the commission, to ask this question— "Upon what do you found your ecclesiastical law? Is it on an arbitrary *dictum* of the Propaganda at Rome, or of the Pope, or is it founded on Scripture?" The Church of Rome, he said, granted dispensations in some countries, but they were delicate in granting them in others. In Ireland they were not granted, but they were granted in England. But the Church of Rome had granted dispensations for marriages between much nearer relations than those, for it was in evidence that in cases of monarchs and great families, there was no objection to the marriages of uncles and nieces, though otherwise they were granted with difficulty. He could not see, under such circumstances, that any great credit was to be given to the dispensations of the Church of Rome, as evidence of what marriages ought to be retained; and, therefore, he did not admit this Church as an authority for the proposed alteration. Various other arguments, however, had been used to induce an opinion favourable to the Bill. Dr. Cox, for example, stated that he did not consider any part of the Levitical law to be at all binding upon a Christian community. He said—

> "I do not think there is a direct prohibition. There is no prohibition which I should deem of authority in the case, because I do not consider that the Levitical law is an authority for us. I think that belonged to the Jewish dispensation; it was a constitution for the Jewish nation, therefore I should say there is nothing in Scripture expressly to forbid any such marriage."

And he said again—

> "I should feel great delicacy about the prohibition of marriages. I do not know what particular points may be referred to, but I should not see any objection to the Legislature acting independently of the Levitical constitution, which is the only divine law we have upon the subject, and which I think is not binding upon Christians. I see no objection to the Legislature taking into consideration what affinities are proper, and what are not; and, therefore, the prohibition might extend to some points not at all referred to in Scripture; or even if they were in the Old Testament, I do not think that, in itself, is binding upon us. I should not hesitate to act upon the general considerations of reason and propriety, and the good of society, as now constituted, independently of what may be found in the Old Testament Scripture."

Now, he (Mr. Goulburn) did not agree with Dr. Cox in this rejection of the whole Levitical code, nor in the abolition of the distinction always hitherto made between that part which was moral and that which was ceremonial. He did not think this was the best mode of forming a judgment upon the question. It was said that the law laid down in the 18th chapter of Leviticus applied only to concubinage, and not to marriage; but the universal construction put upon it was an answer to the argument. It prohibited marriage as well as unlawful connexion; and whether one or the other took place, it was an offence that called down punishment, not upon the individuals alone, but upon every nation guilty of it. It could not refer to the Jews alone, because the prohibition was repeated subsequently with particular penalties applicable to the Jewish people, and varying in intensity according to the nature of the crime. But it had been attempted to be maintained that the law of Leviticus was confined to cases of consanguinity; but surely no man who read it carefully could adopt that opinion. To his mind it seemed expressly framed with a view to guard against an idea of that kind, because the denunciation with which it concluded was a denunciation against a particular marriage, namely, a marriage of affinity of which it is specially said, that "it is wickedness." But it might be urged that allowance was made by the Jewish Church for marriage with the widow of a brother. He denied that that was a correct representation of the case. The words of the chapter authorised him to maintain that there was a general prohibition of marriage with a wife's sister and a brother's widow. Nothing could be more distinct than the general prohibition, and that it was addressed to all people in all ages; but there was a special command—not an allowance—to the Jewish people, that, under a particular class of circumstances, a brother should marry the widow of his brother. What was the precise object of this command it is not for us to say. It had the effect of enabling us, who came after, to trace the generations of the Messiah, which were to us one proof of the prophecies having been accomplished which foretold His coming. It was one of those exceptions from the moral law which God had been pleased to authorise on the part of the Jewish people in this and other instances, for the purpose of a wise fulfilment of a great object. But stress had been laid upon this, that the verse in Leviticus related only to marriage with a sister whilst the other sister was yet alive, and it was supposed therefore to authorise the marriage when the first wife was dead. He begged to call attention to what he considered to be the real construction of this verse. A very able person, the Rev. W. C. Jenkins, had been examined before the commission. This gentleman was favourable to a relaxation of the law; and what did he say of this verse, Leviticus xviii. 18? He said—

> "It appears, however, that the traditional law of the Jews did exclude the marriage of two sisters in succession; but whether upon the ground of this passage, or upon some more general law, does not clearly appear. It appears, moreover, that they interpreted the passage in question merely as prohibiting a particular case of polygamy, and allowing others; according to which interpretation, this law is designed only for a particular period, and for the regulation of an indulgence altogether removed by Christianity, must fall rather under the positive than under the divine law, and have no bearing upon the matrimonial code of the New Testament. But if, on the other hand, the passage in question refers to the marriage of a wife's sister after putting away the former wife, it cannot extend itself to the marriage of a deceased wife's sister, as this involves none of the conditions here laid down—namely, beside her, to vex her, and in her lifetime."

He entirely agreed in this statement. This particular verse had no reference whatever to the prohibition of marriage within limited degress; it was directed against the practice of polygamy. In considering, therefore, the law of God as affecting marriage, this verse was to be put out of consideration. He came, therefore, to the conclusion that the marriages which it was now sought to legalise were contrary to the law of God; and, with the Reformers of old, he said "such things ought not to be permitted." If they were forbidden by the Scriptures, expressly or inferentially, then he said with the commissioners, *Cadit questio.* But it was urged that there was a second ground, independent of the divine law, which made it undesirable that the law should remain as it was—and that was founded on social reasons. He had, however, no difficulty in saying that no valid social reasons had been offered for its change. He believed no step could be more fatal to the peace of families, more calculated ultimately to produce impurity and corruption, than the abrogation of the existing prohibition. It had been stated that the sister of a deceased wife would make the best mother to her sister's children, and that, therefore, it was desirable that the husband should contract marriage with her. But they took a very narrow view of this question who limited their consideration of it to this particular apprehended case. It might be that there were cases—and the report stated there were many—of a sister having married her sister's husband, and of the children being placed under her care; but the report did not state in how many cases the possibility of such a marriage would have effectually debarred the children from such superintendence. They must, however, in order to a correct judgment, look at the effect of such marriages upon the relations of society independent of the death of the wife. How would they operate upon social intercourse? What could be more delightful, what pleasure was there purer, than that derived from unrestrained intercourse and entire confidence between a brother and his sister-in-law? But pass the proposed law, and the effect would be at once destroyed. It would be said by a censorious public, that more attention was paid to the sister than was due; her character would be affected, her honour impeached, and she would necessarily break off a connexion which, under the present law, was a source of unalloyed happiness. The censorious tongue of the world would not permit the woman to conduct herself as if she thought a possible marriage might be the result; for the rule of society was, that where marriage was possible, marriage was the object. One woman gave evidence before the commission, to the that effect she was the third sister whom her husband had married in succession, and she anticipated that, in course of time, if she should die he would marry another sister as his fourth wife. There was another instance of the same character, with this exception, that the lady in the second case did not express any opinion as to whether she expected the husband would marry another sister in her turn. If she had any such expectation, she kept it in her own breast. Now, was that a state of society that ought to exist? Would any man tell him that in that family there could be happiness, or peace, or intimate affection between the husband and his wife? Observe, too, the painful position in which a change of the law will place the unhappy widower. At the moment of the most severe bereavement to which man can be subjected, he will be required to decide as to marriage with or separation from his sister-in-law. Can any one of common feeling, or even of common delicacy, doubt the decision? The thought of a union with another at such a moment must be intolerable, and the law will therefore deprive the unhappy man of the best solace which he might otherwise have enjoyed, and rob the children of that care which is stated to be almost essential to their welfare. But it had been said that, in the upper classes, the present law was an interruption to happiness; but he had on this point the testimony of an admirable man, the rector of a London parish, who entertained upon the law in general an opinion adverse to that which he (Mr. Goulburn) professed. This gentleman said, in a pamphlet which he had published—

> "In our rank of life I believe good is more likely to be obtained by leaving the law as it is."

But he added—

> "If you do not allow this liberty to the lower orders, they will go into a state of concubinage."

On this latter point he (Mr. Goulburn) entertained a very opposite opinion. If you formed a judgment as to the feelings of the poor from those classes in great towns who were utterly ignorant of the law of God, and who, not knowing it, owing to the little care taken of them by the Legislature, had no religious knowledge, that might possibly be the case. But his observation of the poor in general led him to a different conclusion. He had had an opportunity of observing them, not in the populous districts of Westminster or Marylebone, but in the rural districts, and he could truly say, that there prevailed there an instinctive respect for God's law, which was more effective in procuring moral conduct than any law that Parliament could pass. What would be their situation after the present law was repealed? The poor at the present moment lived in crowded dwellings. There was every opportunity of intercourse between the members of the same family of different sexes. If they took away the protection afforded by the dread of incestuous connexion, what would be the effect on the sister or niece of the wife, now preserved in a state of purity and innocence by a respect for God's law, which it was now sought to repeal? They would then be left exposed to the passions of those with whom they were now living in safety? If Parliament once relaxed the law, the passions of the public would soon outrun the limits which his right hon. and learned Friend proposed to retain, and a new commission would be found necessary to recommend further extension as essential. There was only one other point which he would detain the House by referring to. His right hon. and learned Friend, in proposing to relax a law binding on the Church, evidently did not know how to deal with the altered position of the clergy. The clergy were bound by their oath and the canons of the Church to regard these marriages as forbidden; and he accordingly proposed to leave it optional with them to refuse or to perform the ceremony as they might think proper. But such an arrangement would place the clergy in a very awkward position. If a clergyman refused to perform the ceremony, as in nine cases out of ten they no doubt would, where were the parties to go? They could only go to the civil registry-office; and the House ought to reflect what the effect of sending them to the civil registrar would be on the morals and feeling of the population. The Rev. Mr. Denham, before the commission, gave the following evidence:—

> "Even now, wherever the human law, as it

now stands, contravenes their wishes with regard to marriage, they set very light by it in a variety of ways. For instance, if parties meet with a slight impediment in putting up the banns—supposing, for example, I have found that parties did not belong to my parish, and I have in consequence suspended the banns—I have reason to fear that those parties have gone away, and said, 'We shall content ourselves with the application we have made to the Church: we have made an honest effort to be married; what is the mere reading of the ceremony to us? We are as much married in the sight of God as we should be if the priest had joined our hands.' The whole question of the ceremony of marriage, as to the ecclesiastical part of it, has a very frail tenure over the minds of the people of this country, and especially since the permission of marriage by the registrars. They have exceedingly confounded the two things, the legality of the tie, and the sacredness of the tie. The sacredness of marriage, in the view of the poor, has very much sunk in consequence. They say, 'We can be married in a lawyer's office, or in the union-house, just as well as in the church; and if there are two modes of marrying, let us have our own.' They have a familiar phrase in common life for the designation of this sort of marriage. 'Jumping over the broomstick' is a common phrase amongst the lower orders of the people, both in town and in country; and that that is continually done I am persuaded from the fact that there are so many who merely put up the banns, but of whom I never hear again, I believe as many as two-thirds. Out of fifty who put up the banns, I believe there are as many as thirty who content themselves with having had the banns put up; and then they say, 'Marriage, after all, is only a ceremony; we are as much married as we should be if we went to the church: we shall merely incur a legal liability by going to the minister; I am persuaded of your affection; my children will never be so well provided for as by you. Now, if you do not think ceremony of any importance, I will live with you, and you with me. We have no public character to lose; no man will injure me for this. If I am a butcher or a baker, my meat or my bread is just as good as it ever was; and, as to the Government making us amenable for it in the Ecclesiastical Court, they will have to proceed against half the nation if they do; we have nothing to fear.' Under these circumstances, seeing that the sacredness of marriage as to the ecclesiastical portion of it has received so severe a shock, I think it would be a wise thing to diminish the restriction which exists in this respect as to marriage."

The natural tendency of this provision, therefore, was either to induce the public to argue in the mode in which the Rev. Mr. Denham said they argued, or to go before the registrar and have the marriage celebrated without a religious ceremony, and regarded therefore as a mere ordinary agreement. He felt this difficulty very strongly on a former occasion when the Marriage Bill had been before the House: he was now the more anxious to avoid anything having a tendency to throw the celebration of marriages into the civil registry offices. He took no credit to himself for any arguments that he had made use of on the present occasion, for he only repeated the views of the great men who were the pillars not only of the established but of all the reformed churches in this kingdom. But he could not conclude without imploring the House, in a case of such importance, not rashly to take a downward step. He would ask them to adhere to that course which was clearly safe, and which on a moral question when weighed against a doubtful course, was clearly right —namely, to maintain the law as it was; and, in doing so, to show the people that they bore respect to their feelings, and that they appreciated the teaching of the Word of God.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

VISCOUNT BRACKLEY said, that he should leave the historical portion of the right hon. Gentleman's arguments to be dealt with by abler hands than his; but he wished to refer briefly to some special reasons why he thought that this Bill ought to be supported by the Members of the different denominations of which that House was composed. The law of the Roman Catholic Church on this subject was that the Church generally disapproved of such marriages, but that under peculiar circumstances the power of granting dispensations, which they believed to rest with the Pope, and under him, with the prelates whom he appointed, might be used in giving permission for the celebration of such marriages. The evidence of Dr. Wiseman before the commissioners showed that this permission was very often granted, and that the bishops of the Roman Catholic Church very seldom indeed refused to grant the dispensation demanded. But after a man complied with the law of his church, was it not very hard that the law of England should step in and declare that his marriage was no marriage, and that the children born after it were illegitimate? That was, therefore, a Roman Catholic disability, and he was sure that the Roman Catholic Members in that House ought, therefore, to give the Bill their best support, in order to ensure that the dispensations given by their Church should be to do what was legal, and not what was illegal. As to other Dissenters, he thought that those who called themselves the friends of civil and religious liberty, ought to support a measure that sought to get rid of one of the most serious interferences with social liberty that existed under the English laws. He now came to the Anglican Church. Some hon. Gentlemen opposed the Bill on account of its interference with the canon law; but he would venture to remind the House that there was a law passed in the 2nd of Edward VI., and made perpetual by an Act of James I., and in force to this day, for legalising the marriage of priests. The preamble of that Act, after referring to the numerous scandals that had occurred, by reason of the marriage of priests being forbidden, proceeded to say—

> "Be it therefore enacted, that all laws and canons aforesaid shall be utterly invalid, and of no effect."

This Act got rid of various old canons, but it met with much opposition in the House of Lords, where nine bishops entered their protest against it. The reason assigned for the passing of that Bill was the scandals that ensued in consequence of the clergy not being permitted to marry; but he would ask whether the scandals by reason of the conduct of the priesthood bore any proportion to the scandals described in the report of this commission; or rather, whether the scandals that would take place if celibacy were enjoined among the priesthood at the present day, bore any proportion to those which this Bill sought to prevent? In conclusion, this was a question on which to create sympathy was difficult, to excite enthusiasm impossible, but it was one, he begged the House to recollect, which was intimately connected with the morality, the peace of mind, and the domestic happiness of numbers of their fellow countrymen, and it was from a feeling that such was the case, that he gave his full support to the second reading of the Bill.

MR. HAGGITT: When I consider the vast importance of this question, and the greatness of the interests at stake—that it is not a mere commercial question, or one connected with the passing politics of the day, but one involving the happiness of hundreds of families, and thousands of individuals among our fellow-countrymen—I cannot but feel that it is a subject which should not be discussed with levity; and therefore I confidently claim a more than usual share of that indulgence which the House so kindly affords to those who address it for the first time. There are two grounds on which this question may be discussed: the theological and the social grounds; and on both these I conceive it to be the solemn duty of the House to reject the Bill. Now, I am aware that it is an inconvenient course for a Member of this House to enter upon theological discussions, yet I know not how else we can decide upon the grounds which should undoubtedly guide us, namely, the ascertaining how far our votes are likely to be in accordance with the laws of our Creator. Now, there is one ground which would completely satisfy my own mind, and it is this—that such is the sanctity of marriage under the Christian dispensation—a sanctity which did not exist in the same degree either among the patriarchs or the Jews, that man and wife become, in some mystical sense, in the sight of God, one flesh. Now, it may be asked in what sense we say man and wife are one; and, indeed, a pamphlet, some time ago, attacked this argument, denying that man and wife are one in such a sense as we believe them to be; but the fact is, that they are one in some mystical sense, and in the sight of God, so that the relations of the one become the relations of the other in the same degree. Now, I come to the argument from the Levitical law; and here I differ from most of those who agree with me in the main question which we are discussing, for I am inclined to think that these marriages, probably, were not forbidden to the Jews; but it does not follow that they are, therefore, permitted to Christians. The marriage with the brother's wife was forbidden, and that in language which showed clearly that the prohibition was not merely on social grounds, but that the marriage was prohibited as being in itself wrong. It is true that in one exceptional case where the first brother had died childless, that marriage was not only permitted but enjoined, under a slight penalty, but still a penalty. In that case it became a duty, and so far from giving rein to human passions, it restrained them. Laws may be dispensed with by the maker of them, and there were many other such things enjoined to the Jews. (I need not instance the extermination of the Canaanitish nations, and various other things, which were opposed to the laws originally given). But in all other cases the marriage with the brother's widow was strictly forbidden. Now, it is quite possible that the brother's wife was forbidden to the Jews, and yet the wife's sister permitted. Polygamy was permitted to the Jews, because of the hardness of the human heart, and a man might marry more than one wife, though a woman might not marry more than one husband, and so the marriage with the wife's sister might have been allowed, when that with the brother's wife was prohibited. But under the Christian dispensation no such relaxation is permitted, and the same strict purity is inculcated on men as on women; so that, if the Jews might not marry the brother's wife, neither may Christians marry the wife's sister. Now, the view I have taken is materially strengthened by the consideration that such appears to have been the doctrine of the Christian church during the whole course of its existence. I utterly deny that these marriages are permitted, as it has been said they are, among all the nations of Europe: the Christian church has always forbidden them. It is no argument against this to say, that, as we find them forbidden in the early councils, they must have been allowed before. The truth is, that they were always prohibited from the first establishment of the Christian Church, and the prohibition was repeated over and over again, at the earlier councils, in order to enforce it. The Eastern church, which adheres with peculiar tenacity to its ancient doctrines and customs, still continues the prohibition. In the Roman Catholic Church, dispensations are granted, but no dispensation for a marriage of this kind was given till a period when the most zealous adherents of that Church must admit that it was overrun with such a corruption as had never existed either before or since. Now, these dispensations are granted in England by the Pope, acting as Christ's vicar, in order to avoid what is considered a greater evil—mixed marriages between Roman Catholics and Protestants; and as a bishop of the Roman Catholic Church, a most able man, stated in his evidence, they are scarcely ever given in Roman Catholic countries. And now I come to the question as it affects the Church of England. If this measures passes, the Church and State will be placed in opposition to each other, for since the Reformation the Church of England has adhered to the prohibited table of degrees, which is sanctioned by the canons, so that if this Bill passes into a law, the Church and her canons being still opposed to the law of the State, a great evil will be inflicted on those conscientious clergymen who will still look upon these marriages as abominable and incestuous, and who will feel themselves bound to refuse to those who contract them the holiest rites of the Church. These circumstances would lead to evils which we should all deprecate, and which, I am sure, have never been contemplated by many hon. Gentlemen who support the Bill in this House. I have dwelt so long upon the religious grounds of the argument, because I feel that they are the grounds on which the question should be decided; and, indeed, I do not know how far I should feel justified—though even here there is much to be said—if I did not believe the divine law forbad these marriages, in forbidding them on merely social grounds. As it is, however, I think the social grounds come with double force as secondary arguments in support of the theological ones, and are of great assistance in guiding us to a right decision. The question, it should be remembered, is whether you will compel a man to marry his sister-in-law, or forbid their marriage altogether. I will take the case of a lady of a pure and delicate mind, whose married sister has died. Now, if she went to live with her brother-in-law, either she must marry him, or else the law must forbid their marriage altogether, for she could not live with the husband of her deceased sister, if any doubt existed as to the possibility of their marriage. Now, a great deal has been said with regard to the condition of the poor, but I am inclined to think that in this, as in many other instances, the case of the poor is quoted to cover men's own individual desires; and our duty ought to be to endeavour by education and every other means in our power to raise the social character of the poor to the standard of the law, rather than to lower the laws to suit their standard, otherwise we shall be making a retrograde movement. Our opponents take different grounds: some maintain that the Levitical law is binding, and some that it is not binding, but that we should rather appeal to the law of nature. Now I wish that those who so often use the word nature, would define exactly and precisely what they mean by it. Is it mere brute instinct, is it prejudice, or is it an earnest feeling arising from a religious and moral education? If it be mere brute instinct, it is scarcely worth attention, as I doubt whether even sisters by blood would be exempted in that case. In the first age of the world, marriages with sisters by blood necessarily took place; and among the heathen nations, and indeed in the civilised state of Athens, it was considered no disgrace for a man to marry his half sister. I believe too, but am not sure, that the old Roman law was the same on that subject. In one of the oldest of poems, the *Odyssey*, we have a case mentioned of a king who had six sons and six daughters, and who thought it no shame to marry the six sons to the six daughters. Now I merely mention this to show that at that early age no scandal attached to the idea of brothers and sisters marrying, and that there is nothing in the argument as to nature having given us a brute instinct against it. But if nature means the feeling arising from a religious education, I think that it will hold good in the case of the sister-in-law as well as the sister, as persons of pure and refined feelings would instinctively object to both. The proposed measure, too, does not stand by itself. It is, and should be considered, as only one of a class. There are two great principles abroad in the world—the principle of laxity and licentiousness under the specious name of liberty, and the principle of strict obedience. The one may be more fascinating, but the other is better calculated to give a higher tone to our moral nature, to elevate man, and to enable him to approach more nearly to the nature of his Creator. The first is that to which this Bill appertains. I appeal to those hon. Gentlemen whom I have often heard defending the cause of Christianity, and I ask them to strive for Christianity not by words but by actions, and to take care that it be not a fiction but a reality. If we have reason in this country to be proud of, or rather I should say to be thankful to Providence for, the fidelity with which the marriage contract is observed amongst us, and the purity of mind and heart of our countrywomen; let us pause before we take the first yet fatal step in the downward path. The House then will have to decide between these two principles, that of liberty and that of obedience; but let them remember that the one is but the principle of human folly, the other the principle of eternal truth.

MR. MONCKTON MILNES begged to compliment the hon. Gentleman who had just addressed the House on the ability he had shown in arguing a very difficult question, and one which it was very painful to discuss. He did not consider the House capable of entertaining the theological argument. Because, if they were to decide that the theological arguments were good at all, they should admit that they were good throughout, and all the political and social arguments involved in the question should be cast out of sight—in fact, the House should erect itself into a court of theological discussion; and if, on the other hand, the question were to be viewed merely in its social and political bearings, they should lay aside the theological. Now, let the House consider the dilemma in which hon. Members would be placed by the discussion of the question in its theological aspect. He himself, for instance, as a member of the Church of England, would be bound to enter into a discussion upon points which were viewed in an entirely different light by those hon. Members who did not belong to the Church of England; and he must either press those views, or not discuss the matter at all. But the history of the Christian Church showed that it admitted of such fluctuations and variety of opinions upon the question of marriage as almost to invalidate its present authority upon the subject. It appeared to him to be very difficult for them to allow themselves to be guided solely by the early Christian Church in the matter. And if, coming to more modern times, they looked to the founders of the reformed religion, hon. Gentlemen would find that the question came forward in a very singular way. It was matter of notoriety that even the question of polygamy was seriously entertained by Luther and Melancthon, and others of the first reformers, and that decisions were given by some of them upon the subject that would be now considered not only abhorrent to Christian interpretation but to moral sense. The respected layman of the Church of England who had moved the Amendment, regarded the question as absolutely decided upon religious grounds; but he (Mr. Monckton Milnes), upon turning to the blue book, found that the first of those who recommended the issuing of the commission was a bishop of the very Church to which the right hon. Gentleman belonged. He knew that there were many distinguished clergymen of what was called the high church opposed to the principle of the Bill before the House; but Dr. Hook declared that the interests and the morality of society depended upon the legalising of marriage with a deceased wife's sister. He did not wish these arguments to go for more than just what they were worth. But they certainly proved that it was—he would not say presumptuous—but that it was hardly consistent with Christian charity for any man to take upon himself to say that the religious objections to the measure were so great, so plain and palpable, that no man with Christian opinions could support it. Turning from the religious to the moral position of the subject, similar difficulties presented themselves. They did not find any general impression of the absolute criminality of such matrimonial engagements. Whatever might be the opinions of his right hon. Friend the Member for the University of Cambridge as to the direction from which the demand for the relaxation in the law had come, he (Mr. Monckton Milnes) thought he could not but allow that it had not come from any portion of the population of degraded or loose habits of life. It had come from the large body of the middle classes of the country, upon whom the effect of the law had not been to impress them with a sense of the criminality of marriage with a deceased wife's sister. The law had not been such as to induce the people of this country to look upon such alliances as moral offences. Such stringent laws had not the effect of improving the moral tone of society; indeed, he could point to an example of the directly contrary effect of loose legislation in the case of Scotland, where the people were the most strictly moral, whilst their law of marriage was of so loose a character, that, *à priori*, it might have been expected to have depraved the habits of any population. The law of England having regarded such marriages as those under consideration as voidable, they were not viewed by the people as incestuous; and the very marriages which occasioned that change in the law which was now complained of, had occurred in the very highest classes of society, in those classes which gave the tone to the morals of the country. Such marriages then might occur without occasioning social shame, without being visited by the vengeance of society against evil-doers. And the unpleasant results which followed their contraction were merely legal ones. When the alteration in the law took place, the Legislature went only far enough to include the cases of those noble families that were involved, and did not look to the effect upon the great mass of society of absolutely forbidding marriages which the old law permitted; and the consequence was one which, he was happy to say, was very rare in England—the law was habitually disobeyed. Surely it ought to be a matter of grave deliberation in the House whether such a law ought not to be altered. If they had allowed the law to remain as it had previously been, they would have created no grievance whatsoever; but they had made the grievance, and they were now called upon to remove it. Since the introduction of the Bill originally by the Earl of Ellesmere, there had been a gradual, but constant and steady, increase of public opinion in its favour; and that increase was not confined to men, but the opinions of females were known to be also increasing in its favour. And the change had been brought about by various causes. There was scarcely an individual who did not know some instance of great mental anxiety being suffered by some acquaintance, in consequence of the present state of the law. If any stranger (he did not know whether there were any in the House) had been present, and had heard only the speeches of his right hon. Friend and the hon. Gentleman who had spoken last, they might have gone away under the impression that every clergyman of the Church of England was opposed to any change in the law; but, as he had before stated, such was not the case. He had mentioned the bishop, and the vicar of his own borough, who was a man of the most profound piety, and who was a political opponent of his own—and there were many others — so that the question could not stand upon either religious or moral grounds merely. As to its social bearings, they were scarcely capable, in their sphere of life, of fully judging of its effects upon the lower classes. But he hoped they would not allow the complaint to be made, that a Legislature composed of the higher classes of society had shown itself regardless of an evil pressing chiefly upon the middle and lower. He had not heard a single argument adduced in support of the present state of the law, that was not capable of an immediate reply and refutation. They threatened, as one of the probable results of a change in the law, increased immorality in the lower classes of society. But could they show that that immorality did not already exist? They said that a wife's sister could no longer perform those offices of familiar kindly charity in her sister's household which she was now accustomed to perform, if she were a person with whom it would be lawful for the husband to contract a marriage after his wife's death. He could only say in reply, that he believed such a supposition implied a very low and false estimate of the morality of the females of this country. He thought that in the middle and lower classes of the country—cousins, and even more distant relatives, were not regarded as objects merely of the sexual instinct, for they were accustomed frequently to be in habits of the most friendly and familiar intercourse of daily life with their relatives. Even persons who bore no relationship to either party would be found amongst the humbler classes on terms of most intimate friendship, without exciting the least jealousy or remark—on terms that would not be permitted at all amongst the higher classes. He believed the effects of the alteration of the law would be most beneficial, and that by it a great deal of concubinage would be avoided. The Roman Catholics could solve the difficulty by obtaining a dispensation. Why should Protestants be prevented? That moral monarch George III. had no scruple in giving licenses to his Hanoverian subjects to contract such marriages; and the absence of any observation upon the circumstance in this country at the time showed that there was no repugnance to it entertained here. There was one point which, had it not been explained, might have induced him to vote against the Bill, he meant the clause which gave permission to the clergyman to decline performing the ceremony of marriage between parties whom his conscientious scruples forbid him to unite. But on the previous evening the hon. and learned Attorney General stated to the House that every clergyman was bound by law to perform the rite of marriage between any persons demanding it who had been civilly married before. So that if his right hon. and learned Friend had left that portion out of his Bill, any clergyman might be compelled, if it became law, to perform the ceremony, however repugnant to his feelings. He, therefore, could no longer disapprove of the clause which left the clergy free to do as they pleased? Were the whole body of the clergy opposed to such marriages, the Bill would become a nullity. But when a man should be refused by one clergyman he would readily find another who would have no objection to such marriages. One might say to him, "I have conscientious scruples against such matrimonial alliances, but you can go to the Rev. Mr. So-and-So, in another parish, who will have no objection to marry you." He hoped that it might be permitted to him, as a member of the Church of England, conscientiously to support the Bill.

MR. KER SEYMER wished to say a few words as to the proceedings of the late commission on this subject. He had read over, he believed, every question and answer in the blue book, and he still retained his original opinion, that the proceedings of the commission had been of a most one-sided character. It had been stated that it was during the progress of its labours that the commission had become convinced of the necessity of the present measure. If such were the case, that impression must have seized their minds at a very early period of the investigation. This was evident by the way in which the witnesses were examined. He did not think it a matter of charge against the commission that they had examined witnesses interested in the passing of such a law as the present; but what he complained of was, that as regarded the social state of the question, the commission had heard only one side. He believed that such was the general impression. Indeed, in an article in the *Law Review*, the argument against the Bill was summed up by the remark that the blue book was imperfect in many respects, but in none more so than not bearing at its termination the names of "Crowder and Maynard, solicitors for the plaintiff." Look at the way in which the first witness was received, see the manner in which he was cross-examined, and there was no mistaking the feelings and opinions of the cross-examiners. Both sides of the case were heard upon the religious bearing of the question; but the evidence of the social case was, he repeated, got up by the promoters of the Bill. A great deal had been said about the hardship which the present law inflicted upon the children of such marriages. No doubt there was hardship upon them; but there would be no hardship had their parents obeyed the law. Was the House prepared to repeal a law because it was violated, or to alter an Act of Parliament because the children of the delinquents were in some measure visited by the transgression of their parents? But it was said, we ought to alter the law because it had failed. In reply to that he would observe, that the law had not had a fair trial. It might be said, that the law made against sheepstealing had failed; but was that a reason why parties should go about the country, telling the peasantry never to cease their exertions in sheepstealing until the law against it was abolished? Why, would not such a course have the effect of encouraging sheepstealing? It was also urged that marriages of British subjects solemnised abroad, under certain circumstances, were even now legal. Well, then, let there be a short Act passed, declaring all such marriages illegal. There were one or two points in the evidence given before the commission, to which he would allude; and, first, he would refer to that of Mr. Brotherton. He is asked—

> "Did you meet with any cases of marriage within the prohibited degrees of consanguinity?—Several.
>
> "Did you observe that those marriages were regarded in a different manner, and that the feeling of the people was different with respect to those marriages in cases of consanguinity?—In some cases, but not in others.
>
> "Do you think that marriages in cases of consanguinity do not meet with general disapprobation?—In many instances they do.
>
> "Do they bear a large proportion to the marriages in cases of affinity?—No, very small.
>
> "Did you hear any complaints of the existing law?—A great many complaints."

And Mr. Thorburne gives the following evidence:—

> "I may mention one instance more to show the injurious operation of the law in another way. It is a well known case at ——, that of a party in very extensive business, a man of wealth, who keeps his carriage, and lives avowedly, in fact, with his deceased wife's sister, whom he would gladly marry, but for the uncertain state of the law. He is much respected, and bears a high character as an excellent man and a good citizen, where he has lived for the last quarter of a century; and, though he is living in open concubinage, his neighbours sympathise with him, and in a manner excuse him because of the restraint of an inexpedient law, he himself openly declaring that he would marry her, and will marry her if the law will permit him."

This man, living in a state of concubinage, is called a respectable man. He protested against the application of the term "respectable" to such a person. He feared that this epithet was applied to all men who kept their carriage and paid their weekly bills. He protested against this mercantile phraseology — of which thing they had quite enough in considering commercial questions—being employed in this manner to confound the distinctions between right and wrong. It was stated in the blue book which he held in his hand, that considerable property would be affected by the decision on the question. He trusted the House was not going to decide the question on conveyancing principles. He would remind them that there were many other questions involving a much larger amount of property than the present. Reference had been made to the time when marriages with kindred had been permitted. He believed the first case was when one of the Emperors of Rome married his niece, and then the practice sprang up. He found, from the evidence given before the commission, that Dr. Cox, a dissenting divine, said he had no objection to marriages, except within the prohibited degrees. Now, he thought that this would open the door to many abuses. In the book of Leviticus, half the cases referred to were cases of affinity, and half of consanguinity. He must say, that he thought the clergy would feel themselves placed in an unpleasant position if the Bill passed. He would not, if he were a clergyman, like to see hanging up in his church the words "Thou shalt not marry thy wife's sister," and then to be told that he might do so if he liked. He would assure the House that a strong feeling was springing up on this subject—a feeling originating with men, not of extreme views, but men of thoughtfulness and watchfulness, or, as he would term them, men of progress—who would not tolerate any interference with the free actions of the Church. He might be told that this was the penalty of State endowment; but he denied that such was the case. He was anxious not to trespass on the time of the House, as he was aware that many Members were waiting to deliver their opinions on the question, so he would only say, avoiding the theological question, that he believed the Church regarded the degrees of affinity and consanguinity as similar on the simple ground that man and wife were one flesh. He believed this to be a high and holy principle. It might be, perhaps, called mystical, but there were some people who thought any doctrine mystical which was not to be found in Adam Smith or William Nassau Senior. At all events, if the doctrine were mystical, it was scriptural; it was also the doctrine of the Church and the law, and therefore the doctrine which he felt himself called upon to support.

The **Earl of ARUNDEL and SURREY** said, he wished to explain the theory upon which dispensations were obtained from the Pope in the cases of marriage between a deceased wife's sister, and between an uncle and niece. The theory of the Roman Catholic Church was, that an inferior could not permit an infraction of a law imposed by a superior; that a priest could not permit an infraction of a law imposed by a bishop; that a bishop could not permit the infraction of a law imposed by the Pope; and that the Pope could permit no infraction of a law imposed by God. The theory was, that the inferior could cause no infraction of the law where a dispensation was given by the superior. Such being the case, he was of opinion that the practice of the Roman Catholic Church was not contrary to the law of God. Having stated that, he would leave the argument on that subject, as well as that in reference to the cases of antiquity which had been cited. He was in favour of the Bill, because he regarded the restriction as unjust to all Roman Catholics who had obtained dispensation from the Pope—because, being conscientiously and properly married, their children were yet illegitimate by the law of the country. He regarded it, also, as an injustice to that great body of Dissenters who framed their acts by their own conscientious interpretation of Scripture, and, from that interpretation, considered that such marriages should be. He thought it unjust, also, to that large portion of the members of the Church of England who in that respect agreed with the Dissenters; and he considered it not unjust to that portion of the Anglican Church who were opposed to the Bill. It was in no way compulsory upon their consciences; it could not compel them to marry; it could not even compel their clergy to marry against their consciences; and in no way would it be unjust to them in any of its consequences. The Bill being passed, they would remain in the position of Roman Catholics and others; they might act according to their own consciences, and respect the canons of their own church, as the Roman Catholics did. He must admit that there was a difference of opinion amongst Roman Catholics, not as to whether this was contrary to the law of God, but as to the propriety of making fresh social arrangements in the matter. He had been informed that in Ireland the feeling was strong against the propriety of these marriages, and he knew that the feeling was divided in this country. Notwithstanding, seeing that it was not against the law of God—seeing the great social evils which arose from the restriction, and believing that there was no comparison between the social advantages and the social disadvantages arising from this cause—he should give the measure his cheerful assent, trusting that the Legislature would feel it their duty to pass it.

MR. J. O'CONNELL regretted that on the present subject he had to differ from the noble Earl who had just addressed the House. Entertaining, as he did, the greatest respect for the opinion of the noble Earl, he regretted to say that he felt it to be his duty to oppose the further progress of the Bill. He thought the Catholic Members of that House had not been fairly dealt with on this question—they had been subjected to a species of canvass—he must say, a most indecent practice. They had each of them been favoured with two or three circulars on that important question, just as if it were a private Bill, and their support was sought by contending parties. That made him fear that the promoters of the measure had some ulterior object in view; and he was rather strengthened in that conjecture by the fact, that although by the Bill a man might marry the sister of a deceased wife, there was not a word about enabling a woman to marry the brother of her deceased husband. It appeared to him that the promoters of the measure were afraid of alarming the prejudices of man, but feared not to tamper with woman. With reference to the opinion which the Catholic hierarchy and clergy of Ireland entertained on the subject, he was permitted by one right rev. Prelate to state his view to the House—taking care, however, to remind the House that the right rev. Prelate spoke only as an individual member of the hierarchy, the other members of whom he had not consulted. He alluded to the Right Rev. Dr. Browne, Bishop of Elphin, who had had the charge of two dioceses; firstly, of Galway, and secondly, of Elphin. That right rev. Prelate had told him that in neither of those dioceses had he ever known a single case of a man marrying the sister of his deceased wife. The right rev. Prelate dreaded the result of a repeal of the Act, which repeal would, in his opinion, act as an incentive and stimulus. The dispensation afforded to enable first cousins to marry, had been attended with this consequence—that whereas such marriages were formerly the exceptional case, they were now the general rule. The Catholic people of Ireland, in his opinion, thought that if the Bill passed, all restrictions would be done away with. He would ask the House what would be the feelings of delicate-minded woman, if the Bill became a law? She would always consider that she was suspected by her married sister; and being placed in so delicate a position, would she, in the event of that sister's decease, act as the mother of her children, when it might be supposed that in performing such a duty she was either looking after a husband, or was being looked after by the widower? As he had been appealed to as a Catholic, he must say, that on the religious part of the question, he had the opinion of the Right Rev. Dr. Browne, and entertaining, as he did, the deepest veneration for that Prelate, he perfectly coincided in his views.

Mr. COCKBURN said, he was anxious that this measure should receive the very careful consideration of the House. The Act which it was intended to repeal, had been introduced into the other House without any such clause as that now sought to be defended. It had been introduced for a totally different purpose—to protect marriages liable to be impugned by the institution of legal proceedings, and preventing them from being so assailed beyond a given period after the marriage. This was done, not with any reference to the general interests of society, but for the purpose of protecting particular parties against consequences. In the course of the discussion it was suggested, that it would be better at once to remove the anomalous state of the law; and, instead of allowing marriages then voidable to be avoided within a specific time, to make all such marriages void for the future. Accordingly, the Bill was so passed; in other words, the particular case was protected by the sacrifice of all those who might be found in a similar predicament. When the Bill came to that House, the clause was strongly opposed; but it being near the time for prorogation, it was suggested by the supporters of the Bill, particularly Sir William Follett, who had the charge of it, that the rejection of the clause might endanger its safety in the other House—that the Bill should be passed for the sake of the good it did, and with the understanding that, when the matter was again submitted to the Legislature, this point should be considered as one particularly deserving its notice. Under such circumstances it now came before them, and he at once admitted, that if the position of the right hon. Gentleman the Member for the University of Cambridge was tenable, and that these marriages were prohibited by divine law, there was an end of the question. But this must not be treated as an exclusively theological question. If these marriages were contrary to divine law, let that law be cited; for surely they were as competent to judge of it as any Churchman could be. But there was no such prohibition in the whole range of Scripture. The only verse (Leviticus xviii. 18) which referred to the matter at all was as follows:—"Neither shalt thou take a wife to her sister to vex her beside the other in her lifetime." These were almost the *ipsissimus verbis.* Well, surely the words "to vex her," coupled with those "in her lifetime," showed that the prohibition related to marriage with two sisters at one and the same time. Such was the interpretation put upon the passage—polygamy being, of course, permitted—by a great number of authorities; while others considered that the command was directed against the divorce of a wife by the husband, in order that he might marry her sister: such a proceeding being one evidently calculated to embitter the life and aggravate the misery of the forsaken wife. Such, then, being the only passage prohibitory of marriage with a wife's sister, and that prohibition extending only to certain circumstances, it actually amounted to a permission to contract such marriages under all other circumstances. Reference had been made to the early councils of the Church upon this matter. It was very true, that from the first time there was any mention of these marriages they were disapproved of. Why? Because the first mention of these marriages took place after Christianity had spread itself into the Roman empire, and when the subjects of the Roman State had become Christian. Amongst the numerous declarations of the Roman law was one which stated, that a person marrying a wife should be held to be connected with that wife's relatives by consanguinity. It, therefore, followed from that, that a man could not marry his wife's sister after the death of his wife. That view was adopted by the early Christians as the law of the land in which they lived. It was notorious to every one that the early fathers of the Church—great as was their virtue—introduced into religion a mistaken and mischievous asceticism, which they carried to a most injurious extent. The early canons of the Church prohibited third marriages absolutely and entirely. The expression was, that a man who would marry a third time was no better than a hog. Chastity was the great and paramount virtue, which seemed to supersede all other obligations moral or religious. Second marriages were discouraged, while third marriages were denounced as an abomination. Had these canons been binding on the Christian world? By no means. Third marriages had been allowed to this day. The canons prohibited second marriages amongst bishops and clergymen under any circumstances. The clergy were also prohibited from marrying widows, or servant maids in their establishments; and if a bishop or priest should chance to be married at the time of the canon being promulgated, he was by no means to increase his family or have any children at all. In the 93rd canon of the Council of Eliharis, they were ordered, *Abstinere se a conjugibus suis et non liberos generare.* He was not aware whether that canon was still binding on the Christian Church. He believed that clergymen married a second time, and sometimes married widows, and he knew of no class of Her Majesty's subjects who had larger families. That was the state of things at the time of the early councils. He then came to the time of clergy usurpation, when not only second cousins were prohibited from marrying, but even relations in the seventh degree were subject to the prohibition; and in some cases they went to the length of prohibiting marriages within the degrees of consanguinity however remote. Were those things enforced? Most unquestionably not. They were looked upon as simply and purely ecclesiastical discipline. The Catholic Church, even in the days of its strongest assertion of supremacy, always looked upon this as a matter of discipline which might be dispensed with. Even in the early periods of the Church, marriages taking place within those prohibited degrees were never held to be void. They were matters of ecclesiastical penance only. If a man married his deceased wife's sister, both parties were liable to penance of several years, but the marriage was not held to be void. So under the Catholic Church these marriages were only matters of ecclesiastical discipline; and if the parties were only prepared and only willing to seek a dispensation, and were ready to pay the price of it, the marriage was allowed. Then came the period of the Reformation, upon which the right hon. Gentleman the Member for Cambridge placed so much reliance. From a great portion of Europe the doctrine of dispensation was swept away, and these marriages became lawful, and had remained so up to the present moment, over the great bulk of the Protestant population of Europe. Why was that not so in England? Why, for this reason, that at the time of the Reformation there happened to be in this country a licentious and unprincipled monarch, who had become tired of his wife, with whom he had lived for twenty years, and to whom he was united by a dispensation of the Pope. He applied to the Pope for a divorce, but he did not succeed; and then, assisted by the artful Cranmer, to whose rising fortune that was the first stepping-stone, he applied to the various Continental universities; and, by means of bribes, he obtained favourable answers from some, but not from others. He then tried his hand at the two universities in this country, which stood out manfully until they were overcome by intimidation, and silenced by the power of the King. From a servile Parliament—a Parliament pandering to his tyranny and lust—he obtained the celebrated Act of 23rd Henry VIII., declaring these marriages illegal. That Act had remained law to the present time, with the exception of a short interval in the reign of Mary; and the reason it was restored by Elizabeth was, that without it she would be illegitimate, and consequently have no title to the throne. From that unholy and polluted source had proceeded the views that English divines had taken of this subject. But then it was said that the English law had made these marriages illegal. But the English law had only made them illegal on condition that legal proceedings should be instituted to set aside such marriage in the lifetime of the parties. Now, he would ask if anybody ever remembered any such proceedings being instituted? Why, no; because it would be deemed most unhandsome, most ungenerous, and somebody near him said most immoral conduct, to endeavour to set aside such a marriage, and to endeavour to bastardise the issue of such marriage. He recollected a case within his own knowledge, where a title was in the family, and the party at the head of the family had the misfortune to lose his first wife, and he married her sister. The son of his next brother was anxious that the family estates and the family honours should descend to him, and he instituted a suit in Doctors' Commons. What was the consequence? His father's and every member of his family, rose with one common sentiment of indignation and disgust, and compelled him, by the exercise of paternal and family authority, to abandon the proceedings. Any one who entered into a marriage of this description was enabled to protect himself by instituting a suit against himself in the ecclesiastical court, as it was not competent for any one to institute a second suit while the first one was pending; and that afforded complete protection against any such proceedings during the lifetime of the parties. The result was, that, practically, these marriages were permitted to exist under the old law. They had altered that state of things, and the alterations, as it appeared to him, had inflicted very great hardships upon a certain class. At the same time, he admitted that all parties were bound to obey the law as it existed. But, on the other hand, he might ask whether it was not a corresponding obligation on the part of those who made the law—whether it was not, according to all sound principles of legislation, the imperative duty of the Legislature not to interfere with the freedom of individual action—not to interfere with the course of human affections, more especially in a matter so intimately connected with the happiness of mankind, except in cases of great and overwhelming necessity, excepting there were benefit to be obtained and mischief to be averted more than commensurate with the evil of their interference? He apprehended that that was a canon of legislation that no one would dissent from. But certain Gentlemen said there was the law as it stood, and they must make the best of it. Those Gentlemen must recollect that laws should not be made arbitrarily, but with a view to the benefit of the subject, and for the good of mankind. He would now approach the consideration of this subject upon its real merits. What was the effect of the law which they had passed upon the social and domestic happiness of those who were subjected to its operation? It was said, that to permit those marriages would be to produce great social mischief; and he understood the argument upon that to be founded upon these grounds—it was said that if they allowed marriages to take place between persons thus nearly connected, the consequence would be great domestic profligacy and immorality—that familiarity in the domestic circle would lead, on the part of the husband— [MR. GOULBURN: I never made any such statement.]—would lead to an immoral connexion with the wife's sister. If that was not the argument, he knew not what the argument was. That argument appeared to him to be based on a view of the domestic morality of Englishmen and Englishwomen that was perfectly monstrous. Was he to be told that the standard of domestic morality was so low in this country, that the husband could forget the obligation of conjugal fidelity, the obligations of religion, of morality, and of honour—and forget too the sacred duty of hospitality, and that he would, under his own roof, almost in the presence of his own wife, seek to debauch that wife's sister? This appeared to him an unfounded, an unsubstantial calumny. All he could say was this—that if such hypothesis were correct, this law was perfectly nugatory. Let him suppose for a single moment that there were men so lost to all sense of right and wrong as to avail themselves of every opportunity to lay hands on their wives' sisters. Were Englishwomen so lost to all sense of virtue, and principle, and shame, that the sister of a wife would not recoil with horror from the advances of her sister's husband? He could not believe that such cases would be found to exist. But if this were true with regard to the wife's sister, that the husband would make advances towards her, what could they say with respect to other women—the wife's cousin, the wife's friend, his governess, who were more or less within the domestic circle? Would they prohibit marriage with all these? Were the House called upon to speculate, *à priori*, what was likely to be the consequence of an altered state of the law if they were now disposed to alter it? By no means. The book of experience was open, and they had only to read it to be informed. Throughout the rest of civilised Europe, those marriages at this moment were fully permitted. Throughout all the Catholic countries these marriages were permitted if the parties only obtained a dispensation license from the Church, which was never refused on payment of the necessary fees. Throughout Protestant France the authority of the civil magistrate was required, and never refused, except where improper intercourse had before taken place between the parties. Throughout Protestant Europe the case was the same. In the greater portion of the United States these marriages were not only permitted but sanctioned by public opinion, as well as the authorities of law and of religion. The most eminent jurist of modern times, Professor Storey, said—

> "The prohibition has been extended in England to the marriages between a man and the

> sister of his deceased wife; but upon what ground of scriptural authority it has been thought very difficult to affirm. In many, and, indeed, in most of the American States, a different rule prevails."

And, he adds, in a note—

> "This is certainly the law in all the New England States. In Virginia the English rule prevails. In Prussia, Saxony, Hanover, Baden, Mecklenburg, Hamburg, Denmark, and in most other of the Protestant States of Europe, the rule prevails that a man may lawfully marry the sister of his former wife."

He described those marriages as being deemed in America not only in a civil sense lawful, but "in a moral, religious, and Christian sense lawful, and exceedingly praiseworthy." If those evils which were anticipated from an alteration of the law, had been experienced in other countries, had been experienced in the United States, where the standard of morality as regarded the intercourse of the sexes was quite as high as here, mankind with one universal acclamation would have swept away a law so injurious to the best interests of humanity. But those evils were purely imaginary. The argument founded on them rested on an hypothesis which was contradicted by the united experience of Europe and of America. Until the passing of the 5th and 6th William IV., practically these marriages existed, and existed to a great extent in this country; and did those results of which they were now apprehensive then flow from such marriages? Certainly not. He did not mean to say that there were not solitary and isolated instances of abuse; but what did that prove? There was no crime, however monstrous, that history could not give the name of some man as an example. With regard to the next ground, that the wife would be in a state of constant anxiety lest her sister should supplant her in her husband's affections, why, the sister would be the last person to raise such a feeling. Such cases could only occur where there was horrible domestic treachery, and they were cases purely exceptional. He then came to the third ground—that the sister could not go to live in the household of her sister's husband after the decease of the wife. He admitted, for the purpose of that part of the argument, that no person was so fitted to take charge of the husband's family after the death of his wife: no person was so fit to watch with a mother's fondness over his helpless children, as the sister of his deceased wife. He fully admitted that: but did they suppose that by the law, as it now existed, they would protect the sister, who thus entered the household of her brother-in-law for the purpose of taking charge of his children, against suspicion and insinuation. It was not law that would do that. It would be natural to expect, in the ordinary course of human conduct and human passion, that affection and love would spring up between them. Suppose a man to take a widow, or a married woman separated from her husband, to superintend his house, and the parties to be of an age when the passions are difficult of control, did they suppose that, whatever might be the propriety of their conduct, they would not be liable to suspicion and imputation? The law could not alter human nature. They must not expect it—for if they did, they would be legislating in the dark, and their legislation would only be productive of evil and mischief. They could not protect the parties if the circumstances were such as to lead to suspicion. They could protect them, however, in case of affection springing up between parties from the consequences of their passions, by allowing them to gratify their passions legitimately. He would look at the other side of the picture. Were there no mischiefs to result from the state of the law as now established? To a very great extent the law was inoperative. Whatever was said about the report of the commission which had been laid on the table, certain evidence had been laid before that commission which appeared to him to be of the most valuable character. Very possibly that commission might have accumulated more evidence, and might have produced a thicker blue book than that which they had succeeded in filling. But there were certain facts about which there could be no dispute. In a limited district of England, it appeared that within a few years after the passing of Lord Lyndhurst's Act, there had taken place no less than 1,500 of these marriages with the sister of a deceased wife. The thing was notorious. It was well known that amongst certain classes of society, where persons could afford to pay the expense, they took a trip to the Continent. Altona was the Gretna-green of Europe. Do what they might, they never could bring the feelings in harmony with those laws, because they had taught persons to look upon the matrimonial tie as a matter to be determined by religious sanction; and then if those persons turned to the religious law, and found no prohibition there against these marriages, their consciences were satisfied, they felt the law to be arbitrary, and they violated it to gratify their passions. He agreed, however, in this—that where parties had broken the law, they had not such a ground for coming to that House and asking for an alteration of the law, as those who differed from, and yet observed, the law. But upon whom did the consequences of the present law fall? Not upon those who had married in violation of the law. The consequences fell upon the unfortunate offspring. Upon the unfortunate and innocent children—who, after having been brought up in the belief that they were the legitimate issue of parents united in the bonds of matrimony, might find themselves one day in the painful position of having their rights of legitimacy and inheritance questioned. Was this a situation which the House could contemplate with any degree of satisfaction? The hon. Member for Dorsetshire had said that the lawyers were not to treat this as a question of conveyancing. The lawyers did not desire so to treat it, except indeed, as a question of conveyancing intimately associated with the happiness of families and the interests of children. If children were to be deprived of their paternal inheritance because of this law, confusion and misery were introduced into families. Turn to the cases in which the law had been obeyed—so far, at least, that marriage had not taken place. There were many who obeyed the law, and at the same time observed the precepts of morality, and abstained from all intercourse; but there were cases of another kind. Inasmuch as the House were dealing with a passion so intimately connected with human happiness, they ought to be chary and kindly, to act with sympathy and regard, and not trample lightly or unnecessarily on those affections upon which rested the whole fabric of human happiness. But he would pass that by, and come to the consideration of that case in which the law was observed, and marriage did not take place, but concubinage did take place. Within a given time, and in a given district, there were 1,500 cases of marriage in direct contravention of the Act 5th and 6th William IV. There were, on the other hand, 88 cases in which the law had been so far observed that no marriage had taken place. Of those 88 cases there were no fewer than 32 in which the parties were now living in a state of open and notorious concubinage. Now, he contended that these 32 cases were owing to the law. It had been said that these were cases in the lower conditions and grades of society, where that fine moral feeling inducing persons to abstain from overt acts of immorality was not to be found. That argument would not apply, inasmuch as these cases had been ascertained to be those of persons who were willing and desirous to marry if the law would have permitted them. Then he did maintain that these cases were the result and consequence of the law, and that the principle involved in them must be taken as one of the grounds on which the law ought to be repealed. But it was said, that persons were bound to obey the law, and bound also to obey the precepts of morality. But they, as legislators, were bound, too, not to throw stumbling-blocks in the way of those persons. Here he would again turn to his favourite authority—Jeremy Taylor—and upon this point he found that the views of that great man, as a bishop and a divine, corresponded with his own. The bishop was discussing the question of the marriage of cousins-german; his language was perfectly applicable, *mutatis mutandis*, to the present case, and he used the same argument which he (Mr. Cockburn) was anxious to enforce. Adverting to the suggestion that it were well if cousins-german did not marry, because of the dangerous consequences which might ensue by reason of their usual familiarity, converse, and natural kindness; it being too ready for natural love to degenerate into lust; that great divine said—

> "I answer, that, therefore, let them marry, as the remedy. For it were a hard thing that cousins, who do converse and are apt to love, should by men be forbidden to marry, when by God they are not. . . For brothers and sisters, where the danger is still greater, God hath put a bar of positive law, and nature hath put the bar of a natural reason and congruity, and the laws of all mankind have put a bar of public honesty and penalties, and all these are sufficient to secure them against the temptation. . . . It were good, if standing in the measures of the Divine law, we should lay a snare for no man's foot by putting fetters upon his liberty, without just cause, but not without great danger."

Now, for "cousins" in this passage, he (Mr. Cockburn) would read "brothers and sisters-in-law" who were in the same familar intercourse, and in the same way were apt to love, and why should they be forbidden by man to marry when by God they were not? He (Mr. Cockburn) appealed to the House whether in this law of prohibition they had not done this, and laid a snare for the foot of the unwary? Well, it was said that these cases of concubinage were among the poorest classes; and why was it so? Because a poor man was placed, on losing his wife, in a very different position from a rich man. The poor man could obtain no assistance in bringing up his children, and nearly always had recourse to the sister of his deceased wife. If he was prohibited from marrying her, what was the consequence? The social familiarity and converse between the parties engendered that attachment and love to which the great divine just quoted referred. Those feelings being engendered, the parties would gratify them in a legitimate mode if the doors of the church were not shut against them. That was the real state of the case, and there could be no doubt that the present state of the law produced great misfortune and injustice. In some cases the law was observed at the expense of suffering; in others it was totally disregarded and violated; and in others parties were exposed to the danger of a connexion which they would gladly and willingly avoid if the door of matrimony were but left open to them. He owned that, strong as were his sentiments in respect to the parties now disallowed from entering into the marriage contract, there were others concerning whom he had far higher feelings. He alluded to the children. Take the case of young and helpless children deprived of a mother's care and affection. If the sister of the deceased wife were shut out from becoming the partner of the father, these children were deprived also of the person who, of all other human beings, was the best constituted and adapted to act as a substitute for the mother. She was already, as it were, half a mother to them from her very position; and even the law regarded her in the place of a parent. The children, who would have shrunk from a stranger, turned with affection towards the sister of their mother. All those dangers and evils and that unhappiness which so frequently resulted from the introduction of stepmothers into families, such as the disaffection of the children, were mitigated, if not removed, by the introduction of an aunt in the place of a mother. The children ought not to be deprived by the Legislature of such an advantage as this. It had been argued that the effect of altering the law would be to arouse in the minds of wives apprehension and alarm during their lives. This view he deemed to be purely imaginary and hypothetical; and against it he would ask the House to imagine the case of a dying mother leaving young and helpless children. Did they believe that the pang of separation, the anguish of leaving her children, would not be assuaged were she but conscious that her place would be filled by one who, from her affection to those children, would be a mother to them when their mother was gone? It appeared to him that, by prohibiting such a marriage, the Legislature would be stopping the source of benefit and intense happiness to children who had unhappily been left young, without a mother's care and protection. He must apologise for troubling the House at so great a length; but he had been led by remarks which had fallen from his predecessors in the debate to a more elaborate treatment than he had originally intended upon a subject which he considered of the deepest interest and importance to all classes of society. He should give his cordial support to the second reading of the Bill.

Mr. ROUNDELL PALMER:* I feel that it is at once an advantage and a disadvantage to follow the hon. and learned Member for Southampton in this debate—an advantage to have the argument against me so clearly stated, and a disadvantage to be placed in contrast with a display of eloquence and ability which has excited my admiration, as it must have done that of the House. There are some points on which I have the satisfaction of agreeing with the hon. and learned Member. I agree that we cannot look with indifference upon the fact (if it be the fact) that a law of this nature is extensively violated in the country; and if there were no principle to which the law could be referred, and for the sake of which it ought to be maintained, I should not feel able to defend it, even against so imperfect and one-sided a case as is made by this report. Beyond all question, if there were 1,500 of the Queen's subjects deprived of the power of marrying according to their inclinations by a purely arbitrary Act of the Legislature, I should be one of the first to say that Act ought to be repealed. More than this, I concur fully in the view taken by my hon. Friend the Member for Herefordshire, who has said, that he could not take a strong course in opposition to this Bill, for reasons merely of convenience and expediency, if the law were really not well founded upon the law of God. It is because I am convinced that the law, as it stands, and always has stood in this country, is not arbitrary, and does not rest solely on reasons of convenience and expediency, but is established on the highest source of moral obligation, the will of God revealed to man; it is, therefore, that I am decidedly opposed to the present Bill. And while I take my stand upon this ground (a ground hitherto common to every speaker on this side of the question), it is fully open to me to insist upon the inestimable privileges and advantages resulting to society from that law, and of which we should all be deprived contrary (as we believe) to the divine appointment, if that law were repealed.

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* From a speech published by Parker, Oxford.

The hon. and learned Gentleman, the Member for Southampton, has thrown out a challenge to those who oppose this Bill to go to the Word of God, to cite texts from Scripture, in order to prove that marriage with a wife's sister is really prohibited by the divine law. I cannot feel surprised that those who preceded me should have shrunk from this line of argument—not on account of any inability on their part to enter into it, or from any doubt of the soundness of their position, but on account of the great difficulty of arguing upon such a subject with propriety in this assembly. For my own part, I enter into it most unwillingly; but I do not think myself at liberty to decline the challenge of the hon. and learned Gentleman. The law which we defend is altogether founded upon the assumption (expressed both in the canon of 1603 and in the statutes of King Henry VIII.) that it correctly represents the prohibitions of the divine law, as laid down in the book of Leviticus. The hon. and learned Gentleman, therefore, has a right, if he pleases, to call for an explanation of the grounds on which it is held that this prohibition is contained in the book of Leviticus. And this is another reason why the advocates of this law cannot safely take their stand upon merely social considerations; because, unquestionably, those who made the law have placed its foundations upon other and higher ground. What they meant to do certainly was, to discard all merely human prohibitions, and to reduce the table of prohibited marriages within the exact limits which they found in the divine law. Feeling, therefore, the delicacy and difficulty of the subject, and my own inadequacy to the task, I must, for a short time, ask the attention of the House while I endeavour to place before them the real state of the argument from Scripture.

Now first, to introduce this argument, let us look at the table of prohibited degrees. That table contains thirty degrees in all, within which marriage is prohibited; with only two of which the right hon. and learned Member for Bute now proposes to interfere. Of those thirty degrees, only fourteen are prohibited in express terms in the book of Leviticus; the intermarriages of father and daughter, uncle and niece, and others more remote, both in consanguinity and in affinity, are among those not in terms forbidden; and there are, therefore, not less than sixteen degrees, a majority of the whole table, including several of near consanguinity, which must be abandoned, if those who support the prohibitions are not permitted to argue from something more than the naked, dry letter of Scripture—if they are not allowed to collect one prohibition from another, to construct a consistent system upon the principles indicated by the instances given in Scripture, and to look to the general tenor and effect of the whole passage of Scripture in which the prohibitions are found. I would ask the House to approach this argument, not in the spirit of sophistry—

> "I cannot find it; 'tis not in the bond;"

but in the spirit of those who wish *bonâ fide* to look to the law of God, fairly to collect its meaning, and to submit themselves to it fully and implicitly. Before referring to any authorities, I will deal with the text; and the House will judge whether the argument, on these principles, is not at least sufficiently probable to make them pause before they depart from a rule of interpretation which has been recognised in the legislation of all Christendom down to the present time.

The first point to be considered is, whether the Levitical prohibitions are applicable as a rule for Christians, or only for Jews. The right hon. and learned Gentleman does not (as I understand) dispute that they are generally binding upon Christians as part of the moral law; his Bill, certainly, does not propose so extensive an alteration of the law as would follow from a denial of this principle, though it is denied by some of his witnesses, and by some of his advocates in this House. As the prohibitions themselves stand in the Book of Leviticus, this point would seem to be free from doubt, because they are introduced by a preamble referring to the practices of heathen nations, which the Jews were not to follow; and the instances of prohibited marriage, together with a few other practices of a different kind, having been enumerated, all these things are spoken of as abominations and defilements, and causes of penal judgments, not in the Jews, but in the Gentile nations who were not subject to the peculiar Jewish law. Assuming, then, that the prohibitions are moral, and of general application, what are they? They begin with a general principle thus laid down:—"None of you shall approach to any that is near of kin to him:" and the question is, where that principle is to be limited? A number of cases are enumerated, some of consanguinity, some of affinity, showing that affinity is here clearly included in the notion of kindred; and among the enumerated cases there is an express general prohibition of marriage with a brother's wife. The enumerated cases do not exhaust more than half the instances which the common reason of mankind perceives to fall within the same principle; the common reason of mankind requires the application under such circumstances of these principles, that the more remote includes the nearer, that equal implies equal, and that the rule laid down as to a man shall govern the converse case of a woman, where the degree of propinquity is exactly the same, and nothing but the sex is different. On these principles of interpretation our table of prohibited degrees is founded; and marriage with a wife's sister is held to be prohibited, because it is the exact converse of the marriage, expressly prohibited, with a husband's brother. But the argument from the text of Scripture does not stop here. In the 17th verse of the chapter, a man is expressly forbidden to marry "a woman and her daughter," or to take "her son's daughter or her daughter's daughter;" because "they are her near kinswomen; it is wickedness." It is wickedness, therefore, to marry the near kinswoman of a wife; and, for that reason only, marriages with a wife's mother, daughter, or granddaughter (none of which marriages the right hon. and learned Gentleman proposes to legalise), are forbidden. But is not a wife's sister a near kinswoman? Does not the common sense of mankind answer that question? Or, if it must be strictly proved that a sister is a near kinswoman in the sense of this passage, look at the 12th and 13th verses, where marriage with a father's sister, or a mother's sister, is prohibited, "because she is thy father's" (or thy mother's) "near kinswoman." If the father's sister is the father's near kinswoman, the wife's sister is the near kinswoman of the wife; and if it be "wickedness" to marry the wife's near kinswoman (as the 17th verse expressly says it is), how can it be otherwise than wickedness to marry the wife's sister?

If the passage had ended here, I cannot think any logical reasoner, or any serious Christian, could have entertained a moment's doubt that the prohibitions of this chapter extend to the case of a deceased's wife's sister. But it is said that the next verse (the 18th) is in these terms:—"Neither shalt thou take a wife to her sister, to vex her, beside the other, in her lifetime;" and the argument is, that in this verse the prohibition of marriage with a wife's sister is limited to the wife's lifetime, and that permission to marry a wife's sister after her death is, therefore, implied. I pause for a moment to notice the very unfair way in which it has been continually represented, that the argument for the prohibition rests upon this verse. The fact is precisely the contrary:—it is upon this verse, and upon this translation of it, and upon this inference from the verse so translated, that the argument against the prohibition entirely and exclusively rests. Take this verse away, and, as I have already shown, this prohibition must of necessity be inferred from the unambiguous language of the previous verses. Before, therefore, we suffer that conclusion to be shaken by any inference from this 18th verse, as it stands translated in the text of our English Bibles, it is not immaterial to inquire whether that translation is certainly correct and free from doubt. When the argument from that verse was lately insisted upon before the Court of Queen's Bench, by parties who then sought to persuade that Court that marriage with a wife's sister was not prohibited by the existing law, Lord Chief Justice Denman made these pertinent observations:—

> "If I am to be the judge to pass a judgment upon the meaning of the Scriptures, am I bound by any particular translation of them? That is one of the stumbling-blocks at the very threshold of such an inquiry, and we have witnessed the effect of it upon the present occasion. Six different interpretations have been put upon the text of Scripture, as it presents itself to us in the Old Testament."

Six different interpretations had been put upon the 18th verse in the discussion before the court of law. I do not, however, propose to detain the House by referring to more than one of them; and I refer to that because it is an interpretation resting, not on any private or conjectural criticism, but on the authority of the translators of the English Bible themselves. Those translators have themselves told us in the margin that there is room for doubting the accuracy of the version which they have adopted in the text; they have warned us not to rely upon inferences drawn merely from that translation, by telling us in the margin that the verse may with equal propriety be rendered, "Thou shalt not take one wife to another, to vex her, in her lifetime." Adopt that reading, and the verse ceases to bear upon the question now before the House; it refers to the subject of polygamy, and not of incest; and is a prohibition of polygamy under circumstances which tend to the vexation or infraction of the rights of the first wife. That this is the real meaning of the verse was the opinion of Schleusner and of other very considerable Hebrew scholars; and the verse so rendered would correspond in sense with another precept which we find in the book of Exodus, chap. xxi. ver. 10, concerning a maid servant married by her master or her master's son: "If he take him another wife, her food, her raiment, and her duty of marriage, shall he not diminish." The form of expression with which the verse is introduced, and the great preponderance of arguments from probability, appear also to favour this sense; for the reading even in the received text is not, "Thou shalt not take her sister to thy wife," but, "Thou shalt not take a wife to her sister;" and if polygamy were allowed in all other cases, and marriage with a wife's sister were allowed after her death, it would be difficult to conceive any consistent and satisfactory reason why, among these moral precepts of universal obligation, a marriage with two sisters at once, like that of the patriarch Jacob, should be specially forbidden. Without, therefore, troubling the House with any philological disquisition, I think I have at least stated sufficient ground for the conclusion that a prohibition, clearly and certainly collected from the first seventeen verses of this chapter, cannot safely or reasonably be set aside in favour of an inference drawn from the letter of the 18th verse as it stands translated in the text of the English Bible, but which inference cannot be drawn either from the letter or the spirit of the same verse as it is translated in the margin—an inference which the translators themselves did not draw, because they unquestionably held the Levitical prohibitions to be correctly expounded by the table of prohibited degrees.

There is one argument more used by the hon. and learned Member for Southampton, and by many others, on this part of the subject, which I must touch slightly, and then I have done. It has been said that there is in the book of Deuteronomy a special injunction that, under certain circumstances, a man should marry his brother's widow; and it is argued that, reasoning from this case to the converse, it must be equally lawful for a man to marry his wife's sister. This argument concedes that we may properly reason from the case of the brother's widow to the converse; and the hon. learned Member for Southampton does not appear to perceive that, by doing so, he concedes the whole question. For in the 16th verse of the 18th chapter of Leviticus there is a direct general prohibition of marriage with a brother's wife; and in the 20th chapter such a marriage is said to be "an unclean thing;" and accordingly the right hon. and learned Gentleman the Member for Bute does not propose to legalise that marriage, or disturb that prohibition; and yet the hon. and learned Member for Southampton asks the House to conclude that it is not incest to marry a wife's sister because marriage with a brother's widow, which you now regard, and—if this Bill passes—will still regard, as incestuous, was, under certain particular circumstances, enjoined to the Jews; not permitted by way of relaxation, but enjoined by a very special commandment, forming part of their peculiar law of inheritance. We cannot enter into the reasons why certain things which appear to us contrary to the general principles of morality were permitted under the Jewish dispensation, or were enjoined upon the Jews under particular circumstances. We cannot judge why the world was originally so created that in the necessity of things brothers and sisters must have married in the earliest generations; but we entertain no doubt that the Divine Author of the world had in view the interests of His creatures and the social necessities of mankind in different ages; and what we ought now to do is to look at the morality laid down as applicable to our own case, and by that abide. The general rule among us, that a woman may not marry her husband's brother, is plainly established; and, unless the argument from the converse is to be excluded, it follows, as a necessary consequence, that a man may not marry the sister of his wife.

I have now done with this difficult and delicate part of the subject, on which it has been painful to me to speak at all, and on which I am grateful for having been heard with so much patience. I now come to consider the assistance which we receive, with respect to the scriptural argument, from the judgment and authority of the Christian Church down to the present time. The Jewish authority, which has been called in to settle the question, I set aside; if I were a Jew it might weigh with me; or if Christians were taught in the New Testament to look with respect to the Jews as interpreters of their own law. But when I find that in the New Testament the Jewish glosses and traditions are always spoken of in language of reprobation and warning—when I find it stated that the Scribes and Pharisees "made the word of God of none effect through their traditions"—I cannot for a moment admit the authority of their interpretation in a case where I find them opposed to the general judgment of the Christian Church.

Now there is, no doubt, some difficulty in investigating the opinions held in very ancient times by the Christian Church upon almost all subjects, on account both of the paucity of the records and literature of those times, and of the necessity that questions should be raised, in order to give occasion for authoritative judgments concerning them. There is a further difficulty introduced into the present question from the circumstance that the Church, from an early period, added of its own authority many prohibitions, not now recognised in this country, to those contained in the Levitical law; which, of course, creates a difficulty in showing how, in those very ancient times, the line which we desire to draw would have been drawn. But some things are certain; and, first, it is certain that no recorded instance can be produced of any marriage with a wife's sister permitted in the Christian Church before the end of the fifteenth century. It is also certain that such marriages were, down to that period, never mentioned, except to be reprobated, and were repeatedly, and in every part of Christendom, condemned and prohibited by canons, councils, and individual fathers of the Church. In the fourth century St. Basil was consulted on the subject, and expressed himself horror-struck at hearing such a question raised. He did not hesitate to lay it down that this case was within the true sense of the Levitical prohibitions; and he referred to the uniform tradition of the Church as opposed to such a connexion. At a later period, and almost till the time of the Reformation, a distinction was made and recognised by popes, by canonists, and by leading divines among the schoolmen, between the Levitical prohibitions and those other prohibitions superadded to them by ecclesiastical authority; within the latter only it was held that the pope had a dispensing power, and as to these the practice of dispensation did in fact prevail; but the Levitical prohibitions were held to be indispensable; it was not the practice of the popes to dispense with them, and it was then considered to be beyond the power of any pope to do so. In the evidence of Dr. Pusey, at pages 43–51 of the book before the House, references will be found to the works of Aquinas, and many other very learned men, who always insisted on this distinction; and those who did so agreed in referring the particular case of marriage with a wife's sister to the class of marriages prohibited by the divine law, and not to the class of prohibitions by ecclesiastical authority. Dr. Wiseman himself, though not holding the Levitical degrees, as such, to be binding on the Church of Rome, or indispensable, appears clearly to think the case of a wife's sister included in the Levitical prohibitions. When asked by the commissioners, whether he thinks marriages between a man and the sister or niece of his deceased wife "in any way prohibited by, or contrary to, Holy Writ;" and "what passage there is in Holy Writ which in any way prohibits such marriages;" he says, "Such marriages are disapproved of in the Mosaic law;" and, "The 18th chapter of Leviticus is the one in which the prohibited degrees are enumerated, and that of the widow of a deceased brother seems to be mentioned." All Christian authority, therefore, down to the first dispensation given in this degree, was in favour of the doctrine, that marriage with a wife's sister was prohibited by the Levitical law. And by whom was that first dispensation given? By Pope Alexander VI., the infamous Borgia, who, if history has not done him most grievous wrong, was stained in his own person with incest of the deepest dye, and almost every other crime. He was the first man to permit a marriage of this description in the Christian Church; and only one other dispensation in the like degree was granted before the Reformation, and that not in the case of a wife's sister, but in the case of a brother's wife. This was the celebrated dispensation granted to King Henry VIII. by Pope Julius II.—a pontiff not indeed so stained with profligacy as Alexander VI., but far more celebrated for his military and political genius than for any qualifications as a divine. And so the question stood, until the validity of this very dispensation was brought under the judgment of Christendom in the case of King Henry VIII.'s divorce; and then the Reformation followed.

Now, how did the Reformation pronounce upon this question? I shall be able to show that, by the unanimous voice of the Reformation, at home and abroad, the marriages which the right hon. and learned Gentleman proposes to legalise were pronounced to be within the Levitical prohibitions; and, for that reason, incestuous and unlawful. But, first, I must be allowed to express my surprise at the attack which we have heard this night from the hon. and learned Member for Southampton upon the characters and motives of those illustrious reformers who were most instrumental in defining the civil and ecclesiastical law of England on this subject. It has been said by the hon. and learned Member, that when Cranmer, and Ridley, and Hooper, and Latimer, laid down the doctrine that marriage with a wife's sister was plainly prohibited and detested by the law of God, they did so merely for reasons of political expediency and courtly subservience; because King Henry VIII., to gratify his passions, had repudiated his marriage with his brother's widow; and that, when Archbishop Parker and the Convocation of 1603 affirmed the degress expressed in Parker's Table to be prohibited by the law of God, they did so merely because Queen Elizabeth's legitimacy, and her title to the throne, depended on the invalidity of her father's marriage with Queen Katharine. In other words, that men, whose names I did not expect to have heard mentioned in any numerous assembly of Englishmen without veneration—that Cranmer, Ridley, Latimer, and Hooper, who died at the stake rather than renounce their religious belief under Queen Mary—that Parker, whom those most attached to the principles of the Reformation in the Church of England now delight to honour, distinguishing by his name the society which they have formed for the revival of the literature of that period—that the translators of the Bible, who were parties to the Convocation of 1603, and Jewell, the great apologist of the Reformed Church of England before the world, did, on repeated occasions, when dealing with this momentous question, when professing to expound the law of God on the subject of marriage in the name of the Church of England, so as to guide and bind her members for all future time—basely dissemble with God and man, and teach, from motives of secular policy, a doctrine which they did not, in their consciences, believe to be true. Sir, I am satisfied that the House would never be moved by such imputations upon such men, even if it were not easy, as it is, to prove their futility. But the House has heard this evening a letter of Archbishop Cranmer read by the right hon. Gentleman the Member for the University of Cambridge, from which it appears that, when Henry VIII. used all his influence with Cranmer to sanction the marriage of one of his favourites with a deceased wife's sister, the archbishop refused the king's request, expressly on the ground that such a marriage was contrary to the law of God. And as for the King's own marriage with Queen Katharine, the hon. and learned Gentleman has spoken as if that were a marriage so clearly lawful, that nothing but an unworthy compliance with the King's passions could have induced the Reformers to question it; when, in point of fact, it was a marriage with a brother's widow—a marriage until then unknown in Christendom, which, according to the prevailing doctrine of the best canonists and schoolmen, down to that time, not even the Pope's dispensation could legalise—a marriage which the right hon. and learned Member for Bute does not now propose to legalise in this country, which the author of this Bill admits to be incestuous and prohibited by the divine law. So it comes to this, that the whole authority of the Church of England as to marriage with a wife's sister is to be set at nought, the characters of the reformers are to be vilified, and their names branded with reproach, because you say they had political reasons for prohibiting marriage with a husband's brother, while you yourselves acknowledge the correctness of their decision on that very point, and confess your obligation to prohibit that very marriage, not on political but on religious grounds.

Sir, I shall not weary the House by going again over the proofs so abundantly given by the right hon. Gentleman the Member for the University of Cambridge, that the voice of the Reformation in England was clear and express upon this question. The object of the Reformation in this particular was to bring back the law of prohibited degrees to the exact standard of the Book of Leviticus; to retrench and sweep away all the other prohibitions introduced by ecclesiastical authority, and to adhere to those which were expressed, or contained, by necessary inference, in the Word of God. The table of prohibited degrees, which the right hon. Mover of this Bill now proposes to alter, expresses the deliberate and often-repeated judgment of the Church of England as to the proper structure of a marriage code reformed upon this principle, and, therefore, as to the true interpretation of the Levitical law.

But what were the opinions of other Reformers, and other reformed Churches, remote from the influence of such motives as those imputed to Cranmer? First, let us look to Scotland, to the Presbyterian Church of Scotland, whose *Confession of Faith* was framed under circumstances which could not possibly be affected by the question either of Henry the Eighth's marriage, or of Queen Elizabeth's legitimacy. I will take the doctrine of their *Confession of Faith* on this subject from the highest authority, from a petition of the ministers and elders of the Established Church of Scotland, met in the Commission of the General Assembly, which has been lately laid on the table of the House, against this Bill. They state that—

> "As ministers and elders of the Established Church of Scotland, they feel aggrieved by this proposal; that, according to the constitution of the Church of Scotland, ratified by Act of Parliament, and guaranteed in the integrity thereof by the articles of Union, they are expressly forbidden to recognise the marriages contemplated by this measure, and, on the contrary, are required and bound to deal with such marriages as incestuous connexions, it having been declared in the *Confession of Faith* of the Church, ratified by law, chap. xxiv. sec. 4, that 'the man may not marry any of his wife's kindred nearer in blood than he may of his own, nor the woman of her husband's kindred nearer in blood than of her own."

The Reformation, therefore, throughout the British islands was clearly unanimous upon this point. But the hon. and learned Member for Southampton referred to the practice of foreign Protestant States. What, then, is the case in Switzerland, the country of Calvin? Why, throughout Protestant Switzerland the prohibition of marriage with a deceased wife's sister was retained at the time of the Reformation as one of the prohibitions imposed by the divine law; and it is still prohibited; and to this day no dispensation for such a marriage can be obtained in any of the Protestant cantons. What was the case in Germany? I am content to take the facts as to Germany from the evidence of Mr. Bach, the only witness examined as to the law of foreign States before the right hon. and learned Gentleman's commission. In reply to question 989—

> "In Protestant Germany, what are the limits within which a dispensation is necessary for a marriage, so as to make it free from objection?"

Mr. Bach said—

> "The Levitical law, as the revealed law by the Divine dispensation, being the foundation of the canon law of the Church of Rome, as regards the prohibited degrees of marriages; the latter law gradually underwent those modifications which the reformed religion required, and is now called the Protestant ecclesiastical law, though the canon law of Rome has not been altogether abrogated in Protestant Germany; and the reformed divines, in advising the establishment of consistorial courts to supply episcopal jurisdiction, were particularly anxious to uphold the authority of the Church in matters relating to marriage. Where the secular law has not interfered in modern times, as, for instance, in Prussia, marriages in those degrees which are not prohibited by the Protestant ecclesiastical law, of which the Levitical law remains the groundwork, do not, of course, require dispensation, such as marringes with a first cousin."

That is to say, by the Protestant ecclesiastical law of Germany, established at the time of the Reformation, all marriages were left free to be solemnised without any dispensation, except those which were held to be prohibited by the Levitical law; but marriages within the Levitical degrees were prohibited, and could only be solemnised by special dispensation; the practice of dispensation within certain of those degrees (sometimes by royal and sometimes by ecclesiastical authority) being retained throughout Germany till the year 1791, and to this day in all parts of Protestant Germany except Prussia. The question is, whether by the law of Protestant Germany marriage with a deceased wife's sister was held to be within the Levitical prohibitions? and the test is, whether it was allowed to be solemnised without a dispensation? Now, such a marriage was not allowed to be solemnised without a dispensation; it was, therefore, held to be prohibited by the Levitical law. It was placed upon the same footing with marriages between a woman and her husband's brother, or an uncle and his niece, both of which were prohibited, but dispensable, marriages. At this day no such marriage can be solemnised without a dispensation in any part of Germany except Prussia; and in Prussia it could not be solemnised without a dispensation, till the general abolition in that country of all dispensable prohibitions in 1791. In Holland the same prohibitions, founded on the same principle and accompanied by the same practice of dispensation, also prevail; and the result, therefore, is, that by the clear unanimous judgment of the whole Protestant Reformation, the particular species of marriage now under discussion was held to be included within the Levitical prohibitions. There might be private individuals, from time to time and in different countries, who dissented from this judgment; but the general voice of Christendom was everywhere against them; and the exceptions to the rule were not more numerous nor of greater weight than must always be found on all questions capable of controversy: and since the times of the Reformation, all the divines of the greatest note in England, who have spoken upon the subject (I do not mean living men), have expressed their individual concurrence in this judgment of the Church. Jewell has been already quoted by the right hon. Gentleman the Member for Cambridge University. Hammond is of the same opinion, so is Bishop Patrick, so is Matthew Henry, the great nonconformist commentator, so is Thomas Scott, a writer of the highest authority among the modern evangelical clergy.

But the hon. and learned Member for Southampton has referred to one authority which he considers greater than all these—to Bishop Jeremy Taylor, "that great bishop and divine," to whose writings the hon. and learned Member is so much addicted that he calls him "his favourite authority;" and he flatters himself that, upon this point, the views of that great man correspond with his own. In the passage which the hon. and learned Member read to the House, Bishop Taylor argues against the prohibition of marriages between first cousins; and the hon. and learned Member boldly transferred that argument to the present case of marriage with a deceased wife's sister. Fortunately, however, we are not left to make any such inference as to the opinion of Bishop Taylor on the particular question before the House. There is another passage in the same work, directly in point, which the hon. and learned Gentleman did not read; but I will supply the omission. The bishop is discussing the meaning and extent of the terms "near of kin," in the 6th verse of the 18th chapter of Leviticus:—

> "Hemingius," he says, "gives a rule for this as near as can be drawn from the words and the thing: '*Propinquitas carnis*,' saith he, '*quæ me sine intervallo attingit*.' That is, 'She that is next to me, none intervening between the stock and me;' that is, the propinquity or nearness of my flesh above me is my mother, below me is my daughter, on the side is my sister; this is all, with this addition that these are not to be uncovered for thy own sake; thy own immediate relations they are; all else which are forbidden, are forbidden for the sake of these; for my mother's or my father's, my son's or my daughter's, my brother's or my sister's sake. Only reckon the accounts of affinity to be the same; '*Affinitates namque cum extraneis novas pariunt conjunctiones hominum, non minores illis quæ e sanguine venerunt*,' said Philo; 'Affinity makes conjunctions and relations equal to those of consanguinity;' and, therefore, thou must not uncover that nakedness which is thine own in another person of blood or affinity, or else is thy father's or thy mother's, thy brother's or thy sister's, thy son's or thy daughter's nakedness. This is all that can be pretended to be forbidden by virtue of these words near of kin, or the nearness of thy flesh."

Here, therefore, the hon. and learned Gentleman's own favourite authority lays it down as the true rule for interpreting the 18th chapter of Leviticus, that all degrees which are forbidden in consanguinity are also forbidden in affinity; a rule which places marriage with a wife's sister upon the same footing as marriage with a sister by blood.

Such are the foundations among us of the law which it is now proposed to repeal; and I will next consider the arguments drawn from the change made by Lord Lyndhurst's Act in 1835.

A great deal has been said about Lord Lyndhurst's Act, as if it dealt with the particular class of marriages which it is now proposed to legalise in a different manner from other marriages within the prohibited degrees; and it is insisted, that certain marriages of this kind were rendered valid by this Act, and that it is, therefore, a legislative recognition of the propriety of those marriages in a moral and religious point of view; and much has been urged as to the private and personal motives which are alleged to have led to the introduction of that measure. Now I know nothing of Lord Lyndhurst's motives or of the motives of any other person; but when I look to the Act itself, and to the state of the law which preceded it, I find there no ground whatever for any of these observations. Upon this point I would adopt some very just remarks made by Mr. Justice Coleridge, in the case of Chadwick, lately before the Court of Queen's Bench. That learned Judge said—

> "It seemed to me, I own, to be a little fallacious to direct our attention to the shifting and tergiversation of the Legislature, with regard to this or that particular marriage, for the establishing or the annulling which great political interests were at work, and to say that on that account God's law had been pronounced different ways in the course of those different statutes. If the statutes themselves are looked into, they are not open to that remark at all. It will be found that whenever they lay down the law generally, they lay it down with great uniformity, and with direct reference to the Levitical degrees."

Upon the face of Lord Lyndhurst's Act, there is no trace of a distinction between the marriages which the right hon. and learned Gentleman has taken under his patronage, and marriage within any other prohibited degrees of affinity; there is not the least indication of a purpose to alter either the principle or the extent of the former legal prohibitions; the principal object and effect of that Act is to enforce all those prohibitions in a more stringent and summary way for the future. The previous state of the law was this. All marriages within the prohibited degrees were alike unlawful; and in a uniform course of decisions, the courts, both civil and ecclesiastical, had held that the same rule applied to marriages with a deceased wife's sister as to any other prohibited marriage. But these prohibitions did not enforce themselves. A marriage contrary to any one of them was a bad marriage, and when questioned before the proper tribunal, was pronounced to have been always bad and void from the beginning: but the ecclesiastical courts had the only jurisdiction over such questions, and no man was at liberty to treat a marriage solemnised *de facto* in the face of the Church as void until its invalidity had been the subject of adjudication in the ecclesiastical court, which could only be during the lifetime of both the parties. This is the meaning of the distinction between voidable and void marriages. A marriage, which no man could treat as void without a sentence declaring it to be so, was said to be voidable; and this was the situation of all prohibited marriages—of marriages within the degrees of consanguinity as well as those of affinity—until the passing of Lord Lyndhurst's Act. It was a mere question of form—a question, not of principle, but of administration purely; but the consequence of such an imperfect mode of enforcing the prohibitions was, that the *status* of the issue of all prohibited marriages was left uncertain during the joint lives of both the parents; and, if either parent died, the law could not be enforced at all, even against a man who had married his own sister, or (a case more likely to happen) a man who had married his niece, or his wife's mother, or his wife's daughter; between which cases and that of a wife's sister there was no distinction known to the law. Now, it was considered desirable that this state of the law should not continue; that the prohibitions should be maintained and enforced; that for the future there should be no mode of escape or evasion; and that the *status* of the children should not be left in uncertainty for a moment. Lord Lyndhurst's Act was therefore passed; and it enacted that, for the future, all marriages within any of the prohibited degrees of consanguinity or affinity should be *ipso facto* void, and that no sentence of the ecclesiastical court should be necessary for that purpose. The change, such as it was, affected marriages with a wife's sister only in the same way in which it affected marriages with a wife's mother, or daughter, or with a brother's widow; as to all which marriages the right hon. and learned Member for Bute proposes now to leave the operation of Lord Lyndhurst's Act entire and undisturbed. But then it is said, that while the Act in effect annulled all future marriages with a wife's sister, it confirmed and gave validity to those which had been previously solemnised. Here, again, is the fallacy of representing that the Act had some peculiar operation with respect to the case of a wife's sister. But the truth is, that the Act (dealing no doubt more leniently with past marriages within the degrees of affinity than with those within the degrees of consanguinity) placed all past marriages within any of the prohibited degrees of affinity on an equal footing, and gave an indemnity to them all. If it gave validity to past marriages with a wife's sister, it gave equal validity to past marriages with a brother's widow, or with a wife's mother or daughter — marriages which nobody now denies to be incestuous. The right hon. and learned Gentleman draws a broad distinction, in point of morality and religion, between the one of these classes of marriages and the other; but the Act of Lord Lyndhurst dealt with them all exactly alike. And, after all, it is not true that Lord Lyndhurst's Act, notwithstanding its title, did declare any of these marriages valid; much less that it gave encouragement to any one individual to contract them. The clause in question (I am not concerned to defend, but only to explain it) is a mere clause of indemnity; it took away the means which previously existed of declaring these marriages void by that form of proceeding in the ecclesiastical courts, which it was the object of the Act to abolish and render unnecessary for the future; and it would not have been consistent with the principles of English legislation to give a retrospective effect to the altered state of the law. The indemnity was given, not in all cases, but only in cases in which no proceedings had been commenced previously to the passing of the Act. Such proceedings might have been commenced at any time between the introduction of the Bill and the day when it received the Royal assent; but if this were not done, then the Act was to operate as a kind of statute of limitation with regard to marriages previously contracted; and it is to be defended, if at all, upon the principle that the parties might have married speculating upon the probability, which the imperfect state of the law then held out, of their marriage passing without challenge, and that such cases could never occur again. The Act gave the benefit of an indemnity to those particular cases, and at the same time established the general prohibition on a more firm basis than before. That indemnity affords neither a principle nor a precedent for the present Bill: not a principle, because it extended to marriages and degrees which the present Bill does not propose to legalise; not a precedent, because all marriages contracted since the passing of that Act have been contracted in the face of a recent and known law declaring such marriages absolutely void.

Then, under what circumstances, and on what grounds, are we now asked to pass the present Bill? Since the passing of Lord Lyndhurst's Act, an agitation of a very peculiar kind has been going on, and systematic attempts have been made, with very great industry and perseverance, to persuade the country that the law was doubtful, and that the case of a wife's sister was not within the prohibited degrees mentioned in that Act; in short, that a man might marry his wife's sister without any alteration of the law. Legal agents were employed, and years were spent, in propagating these pretended doubts; and this supposed doubtful state of the law formed one main ground on which the Royal Commission moved for by the right hon. and learned Gentleman the Member for Bute was issued. Happily, however, the parties were bold enough at last to bring the question under the decision of a court of law; and in Chadwick's case, which was decided after this commission had issued, but before it had made any report, all this fabric of doubts, which so much perverse ingenuity had been employed to raise, was at once demolished. Lord Denman, in pronouncing the judgment of the court against the validity of such marriages, said—

> "Upon the authority to be found on this subject, there is such a fulness and uniformity of decision as in my judgment to remove, in a remarkable degree, all doubt from this case. . . . There is such an extent of authority as no other case perhaps could show."

And I will venture to prophesy, that whenever a court of law is again appealed to, many of the other pretended doubts, which are still circulated and put forward as reasons for altering the law, will be found equally groundless; and all the idle attempts made by unfortunate persons, under evil and ignorant advice, to escape from the laws of their country, by going to Altona or to Scotland, and then coming back to live as married persons in England, will meet with the same fate as soon as ever they are brought to the test of judicial decision. To go to Scotland, of all countries! Why, the right hon. and learned Gentleman the Lord Advocate of Scotland, though himself inclining to a different opinion, admits in his evidence before the commissioners that all the leading text writers on Scotch law have always laid it down, that a man could not marry his wife's sister in that country—that such marriages are unquestionably prohibited by the ecclesisastical law of Scotland—and that they have been punished as incest in former times by the temporal tribunals. And yet, in the face of all this authority, those bad advisers induced parties in this country to believe that such marriages might safely be contracted in Scotland; and it is impossible not to see that very many of the violations of the law mentioned in the evidence before the commissioners are directly attributable to the mischievous industry with which doubts which had no real foundation were invented and propagated by these agitators. The late decision of the Court of Queen's Bench must now convince the unfortunate victims of these delusions that they have been misled; and as the law is now settled and understood, there is great reason to believe, that if not disturbed by new legislation, it will for the future be better obeyed.

I now come to the commissioners and their report. And, first, let us see the character of the evidence and information on which we are asked to legislate. It does not appear how the inquiry was conducted by the commissioners, or upon whose suggestion their witnesses were selected or examined; but the result is, that they have examined thirty-six witnesses in all opposed to the present law, and only five in favour of it. Of those thirty-six, who agree with the right hon. and learned Gentleman, ten are lawyers employed by Messrs. Crowder and Maynard to get up evidence in favour of their case; sixteen are persons avowedly more or less interested in a change of the law; two are Dissenting ministers; one a Roman Catholic bishop; two are jurists (Mr. Bach and the right hon. and learned Gentleman the Lord Advocate); the remaining five are clergymen of the Church of England—who are set off against five other clergymen of the Church of England, the only witnesses examined on the opposite side. Now, could any possible mode of conducting such an inquiry be more one-sided or more unsatisfactory than this? I cast no imputation upon the commissioners, or upon the right hon. Gentleman the mover of this question; it may have been their misfortune, or some error of judgment, or some defect which I may not understand in their means of conducting the inquiry; but the result is, that we have nothing before us on which it is possible for a reasonable man to legislate. I do not say that the evidence of interested persons was not important, or that it was improper even to examine Mr. Crowder and his agents; it was no doubt quite proper that those on that side of the question should be heard. But that such evidence should form the whole staple of the inquiry, that the commissioners should have made their report, and that Parliament should be asked to legislate upon materials consisting almost exclusively of the reports and opinions of parties so deeply committed to one view of the case, is a circumstance of which I think the House and the country have just reason to complain. Without questioning the veracity of such witnesses on questions of fact, it is quite clear that no weight can be due to their opinions, or to what they say of the opinions of others. People who marry their wives' sisters of course defend their own acts, and necessarily associate chiefly with those who do not condemn them; and legal agents sent over the country to get up a case for an alteration of the law, as a matter of course, put themselves in communication everywhere with those who are known to dislike the law, and are thrown into direct contact with all the opinion which exists in society on that side of the question, their object being to organise that opinion, and bring it to bear upon the Legislature. But it is no part of their object to acquaint themselves with the extent of opinion which exists on the other side; and their proceedings can have no tendency to make them generally acquainted with it. In judging, therefore, which way the opinion and moral feeling of the country preponderate, all such evidence as this ought to be entirely set aside, or received, at all events, with the greatest degree of distrust and qualification.

This being the character of the evidence, on what grounds do the commissioners recommend an alteration of the law? They suggest four principal grounds: first, that public opinion is to a great extent favourable to the proposed change: secondly, that the law has failed to effect its object, which they assume to be the prevention of these marriages; then, that the prohibition operates as a cause of immorality; and, lastly, that the laws of foreign countries on the subject differ widely from our own, and that this difference is productive of inconvenience. Now, I propose to address myself to each of these points; and, first, with regard to the state of opinion in the country. What is the state of opinion in England, Scotland, and Ireland? The great mass of the evidence taken before the commissioners applies exclusively to England; and, setting aside the gentlemen sent to collect evidence and the parties personally interested, as being necessarily biassed and chiefly conversant with those who are favourable to a change, there will be found no proof that opinion in any class of the community is decidedly in favour of the alteration. The commissioners claim the Dissenters generally, and the Roman Catholics, as on that side; but only two Dissenting ministers were examined, and they (as well as Dr. Bunting, whose letters are printed in the appendix), prove that there is a difference of opinion among the members of their denominations; and the House has seen to-night that opinion is also divided among the Roman Catholics. The noble Lord the Member for Arundel (than whom no man is more respected in this House), has given in his adhesion to-night to the opinion expressed by Bishop Wiseman in favour of the present Bill. But the hon. and learned Member for Limerick, who followed him in the debate, has informed us that the opinion of the Irish Roman Catholics, as far as he is acquainted with it, is widely different; and he has spoken against this measure, not in his own name only, but also in that of an eminent Roman Catholic bishop, whose judgment may very fairly be set against that of Bishop Wiseman. As for the Church of England, the commissioners admit that the great majority of the clergy are decidedly opposed to this change; and they also admit that the prevalent feeling among the laity is the same. Then, with respect to Ireland, the commissioners took means for ascertaining the state of opinion in the Established Church of Ireland, which it is to be regretted they did not also take with respect to the Church of England. Dr. Lushington wrote to the Primate of Ireland, requesting him to ascertain the sentiments of his clergy. A more proper step could not have been taken; and I wish to call the attention of the House to the reply of the Archbishop of Armagh to that letter, because I think the House will concur in the surprise of the archbishop that such a mode of inquiry should have been confined to Ireland, especially after the suggestion made in that reply, that it should be extended to England also. The archbishop says—

> "I should have replied to your letter of the 20th inst. immediately on receiving it, but that I wished previously to inquire what steps had been taken, or were about to be taken, by the Archbishop of Canterbury for the purpose of ascertaining the opinions of the English clergy on the subject of marriages within the prohibited degrees, as I felt at a loss to know what mode of proceeding it would be best to adopt, with a view of obtaining the sentiments of the Irish clergy on this subject, and I presumed that the commissioners had addressed to his Grace a communication similar to that which I received from you. This, however, I find has not been the case."

What the archbishop did was to endeavour to collect the opinions of the whole clergy of Ireland through the bishops and the rural deans; and the result was, to obtain a clear expression of the almost unanimous opinion of the whole Church of Ireland against these marriages, as prohibited by the divine law, and socially inexpedient; and at the same time to supply proof that the law is practically obeyed on this point throughout Ireland. Similar evidence was obtained, and to the same effect, as to the opinions and practice of the Irish Presbyterians; and the hon. Member for Limerick has told us to-night that among the Irish Roman Catholics such marriages as these are unknown. In all Ireland, therefore, and by all classes in Ireland, the law is respected, approved, and obeyed: and the commissioners acknowledge that in Scotland it is the same: throughout Scotland marriages of this description are abhorred as incestuous, and in practice scarely ever occur. It is clear, therefore, from the experience of Scotland and Ireland, that this is not a law which human nature cannot be induced to obey; and it is only owing to the unhappy religious destitution in which too many parts of England have been left, the consequent immorality and negligence of all law, human and divine, and the doubts spread by industrious agitators, if this law has been less universally obeyed here than in Scotland or Ireland.

There is, therefore, no failure of the law in Scotland or in Ireland: and I shall be able to show that it has not failed to effect its object in England either. The commissioners reason as if the success or failure of the law could be measured by the proportion of the cases in which parties avowing a desire to marry their wives' sisters have been prevented from doing so, to the cases in which such parties have not yielded to its restraint. Mr. Foster tells them that 1,500 persons have married their wives' sisters notwithstanding the law; and that "eighty-eight cases of marriages are known to have been prevented by the existing law;" of which thirty-two resulted in cohabitation; and so they take these numbers, 88 to 1,500, as indicating the proportion borne by the success of the law to its failure. But what a fallacy this is! The real success of such a law is, in producing a state of society under which well-principled people consider it as impossible to marry their wives' sisters as their own, and are, therefore, prevented from ever feeling the desire to do so. Exactly in proportion as the law produces this effect, you will not, and cannot, have persons coming to tell you, that they would marry their wives' sisters but for this law. How many thousand cases there are in which widowers are on the terms of brothers with the sisters of their wives, to whom the thought of marrying them never occurs, and who, if it did, would repress it with abhorrence? Of these cases there can be no evidence; yet they are the true test of the success of the law; and that this is the general operation of the law who can doubt, with the knowledge which we all have of the footing on which sisters-in-law are received in English families?

But I am not obliged to stop here, for I find, in the evidence before the commissioners, proof of the success of the law of the strongest kind; proof of the successful operation of the law among classes of persons who, in the opinion of the commissioners, would willingly see the law altered; I mean the English Dissenters. Mr. Thorburne, in his evidence, mentions the case of a Quaker, who married his wife's sister, and was, in consequence, obliged to leave the Society of Friends—

> "It being part of the rules of that body, that, no matter what the state of the law is in this country, members of the Society of Friends must respect that law of which they claim the benefits."

The Quakers, therefore, enforce this law upon their members under the penalty of the loss of membership. Dr. Bunting, an eminent Wesleyan minister, bears, in his letter the following remarkable testimony to the preventive efficacy of Lord Lyndhurst's Act among the Wesleyans:—

> "Before the change in the law effected by Lord Lyndhurst's Bill, there were, from time to time, cases of the marriage even of some of our ministers with the sisters of their deceased wives, which were not generally regarded as so disparaging to the parties as to call for any expression of official disapprobation, or for the exercise of ministerial discipline. It was felt, I believe, that the matter, in the absence of any recognised prohibition of Scripture, must be left to individual judgment and discretion. Since 1835, however, it has been universally admitted among us as a sound principle that, on the general ground of the scriptural duty of all Christian people 'to submit themselves to every ordinance of man for the Lord's sake,' the members of our societies in this country are bound by the law of Christ to conform themselves in all arrangements concerning marriage to the actual laws and institutions of the realm. So long, therefore, as the present legal prohibition shall exist, it would not, I think, be deemed right or seemly in any of our members to act in violation of it; and the position of the parties would be, as far as our community is concerned, very disadvantageously and painfully affected by it."

The moral feeling, therefore, of the Wesleyan body is on the side of obedience to this law; they visit with reprobation those who violate it. There is similar evidence as to the Baptists. Dr. Cox says, "I should not myself hesitate unless the law interposed; of course we should obey the law as it stood, whether right or wrong in our particular view." So that the whole body of Dissenters, whatever opinion they may entertain upon the abstract moral and theological question, recognise the moral obligation of obedience to this law as long as it is the law of the land, and because it is the law of the land; and in enforcing it you have the powerful aid of the whole moral influence of those religious communities.

Then, with regard to the demoralising effect which the commissioners attribute to the present law, surely it is not to be said that the law is evil merely because it is not obeyed. What law is universally obeyed? What possible legislation can secure the observance of any rule of morality? At all events, before legislating on such a principle as this, we ought to pause and inquire what is the standard of morality, in other respects, of the classes among whom the violation of this law is said to prevail; we ought to see how far this principle of altering the law because some persons disobey it, is to carry us. Marriages of this description are in themselves either incestuous or not; if they are incestuous, you may pass an Act of Parliament to allow them, but they will remain just as immoral as incestuous cohabitation without marriage was before.

And, after all, to what extent is the violation of the law, with the alleged immoral consequences, proved to prevail? Messrs. Crowder and Maynard have been at work for eight or nine years; and they have collected 1,500 cases of marriage, and thirty-two cases of concubinage, said to be owing to the prohibition of marriage between widowers and their wives' sisters—nearly all in the middle ranks of life—extending over a period of more than fifteen years. The inquiry which they made embraced all the great masses of population in England, except the metropolis, all the great seats of religious and moral destitution and neglect. These are the facts; the rest is all imaginary calculation, based upon the assumption that the cases actually discovered by this inquiry ought to be multiplied in a certain arbitrary ratio throughout the kingdom. With respect to the poor—the labouring classes—whose supposed interests in this question have been so much insisted on in argument, there is absolutely no evidence whatever: as to them, the case is all conjecture. In order to judge of the value of the facts ascertained, we ought to have had much further information, which this report does not give us. We ought especially to have known the statistics of other kinds of incest; but it was no part of the business of Mr. Crowder's agents to collect accurate information upon such subjects, although some incidental light is thrown upon them by several parts of the evidence. Mr. Foster had upon his list some cases of marriages with a brother's widow (the exact number is not given), "one or two" with a wife's mother or daughter; and about six with an own niece. Mr. Sleigh "heard of a village or hamlet," near Wakefield, in which "the morals of the people were extremely lax indeed, and in which uncles and nieces cohabited;" but he "did not hear of any marriage having taken place between them." Mr. Brotherton, in the Birmingham district, met with "several" cases of marriage within the prohibited degrees of consanguinity, though he thought their proportion to those within the prohibited degrees of affinity was very small; and, in some of these cases, he did not observe that they were differently regarded by the people from other marriages. Mr. Paterson's evidence shows how it is that we have not more information upon this point. He is asked, "Did you find any cases of marriages within the prohibited degrees of consanguinity?" His answer is very candid: "No; I did not inquire for them; but I do not remember to have heard of any; if there were, I never reported them, and paid no attention to them."

A great deal has been said about the respectability of the parties who have offended against this law. Upon that I shall only make this observation, that no parties could have such a marriage as this solemnised in England without either committing perjury, or practising a deception equivalent to perjury in moral guilt. Out of the 1,500 marriages with a wife's sister, mentioned by Mr. Foster, only thirty-eight were solemnised out of England. Consequently, the parties in the other 1,462 cases must have been guilty either of perjury, or of falsehood equally immoral; and I cannot understand how any one can think himself on safe ground when he relies upon the respectability of such persons as these, as evidence that their conduct would have been moral under a different state of the law.

I have now to deal with the remaining argument of the commissioners—that founded on the inconsistency of our marriage law on this point with the laws of foreign countries—of Prussia and the rest of Germany, France, and America—and with the Roman Catholic system of dispensation. Now, the first observation which occurs upon this point is, that you cannot avoid a conflict between your law and the laws of these countries, merely by altering your law as the right hon. and learned Member for Bute proposes to alter it. You cannot confine your attention to this one article in those laws, without looking at the whole scheme and system of them, and seeing whether you are prepared to follow it in other respects or not. But if the laws of those countries are to furnish the rule—if their example is to be imitated, the measure of the right hon. and learned Gentleman will be found quite insufficient, and all the prohibited degrees of affinity (instead of two only), together with some of consanguinity, must be altogether abandoned. Mr. Justice Storey has been referred to as a great authority, both for his own individual opinion on this subject, and with respect to the law of America. But Mr. Justice Storey says, he can find no natural principle on which any prohibited degrees of affinity, or those of consanguinity more remote than brother and sister, can be maintained. In Prussia, if a man may now marry, without dispensation, his wife's sister, he may also marry his wife's mother or daughter, his brother's widow, or his own niece. In the rest of Protestant Germany, in Holland, and in France, persons in all degrees of affinity, and uncles and nieces, may marry by dispensation; and a dispensation is equally required for marriage with a wife's sister. It is the same throughout the Roman Catholic Church. The House will remember the recent instance of Count Trapani, the uncle of the Queen of Spain, who was amongst the number of her suitors. Notwithstanding the relationship subsisting between them, he was considered to be a suitable consort for the Queen of Spain; and there can be no doubt that if the negotiation had terminated favourably, a dispensation would have been obtained. If Parliament is to accommodate the law of this country to the practice of Protestant Germany, we must allow uncle and niece to marry; and if we imitate the law of France, we shall do the same.

The experience of those nations ought to operate, not as an example, but as a warning—a warning, that if we depart at all from the code of prohibitions settled in this country at the time of the Reformation, we shall find no principle at which to stop; we shall immediately be carried out of our depth. The subjects of divorce and of bigamy must follow next; no mistake can be greater than to suppose that those subjects are unconnected with this. Wherever the prohibitory degrees have been relaxed, there has been an increasing laxity in the point of divorce also. In Prussia and other parts of Germany at this day, divorce is permitted for all kinds of reasons, whenever the parties are desirous to separate. Men of as great name and authority, and of as pure lives, have drawn arguments from Scripture in support both of polygamy and of the loosest system of divorce, as any who now advocate the lawfulness of marriage with a wife's sister; and all the arguments from social morality and convenience now used in favour of the right hon. and learned Gentleman's Bill, have been used with at least equal force in favour of an increased license in those respects. Milton, in two celebrated treatises, gave the weight of his great name, and exerted to the utmost his vast learning and wonderful powers, in order to prove that the prohibition of divorce for causes other than adultery was not really scriptural—that it was contrary to the purposes of the institution of marriage, and an infringement of the natural liberty of men. Towards the end of the last century, in 1781, Mr. Madan, a learned clergyman of the Church of England, the brother (I believe) of a bishop, published a remarkable work, entitled *Thelyphthora; or, a Treatise on Female Ruin, in its Causes, Effects, Consequences, Prevention, and Remedy, considered on the Basis of the Divine Law;* in the advertisement prefixed to which I find it stated that the manuscript was submitted to "many eminently learned and pious men," and that the work was published "with their entire approbation." In this work the writer contends most strongly for a limited allowance of polygamy: he can find no prohibition of it in Scripture; he traces to the want of it some of the most frightful disorders of society:—

> "That polygamy," he says, "is lawful in itself, and in many cases expedient—in some a duty—none will deny who will yield to the testimony of the Scriptures, and the plain matter of fact."

In another passage, he states the grievance of which he complains—the practical case for a limited allowance of polygamy—in terms which very nearly resemble those used by the hon. and learned Member for Southampton, when expatiating on the moral and social evils which he considers to result from the prohibition of marriage with a wife's sister:—

> "The indiscriminate and total prohibition of polygamy, as it has no warrant from the Word of God, may also be the means of plunging many into the mischiefs of uncommanded celibacy; for many men there are, who very early in life marry, perhaps without all the consideration which ought to be exercised in so momentous an undertaking: many things may happen which may be very reasonable, and indeed unavoidable, causes of separation from their wives; as, for instance, incurable disease of mind or body; unconquerable violence of temper; perpetual refractoriness of disposition; levity of behaviour, though not amounting to such proof as to be the ground of utter legal divorce, yet such as may destroy the whole comfort of a man's life. By these and other means a husband may be reduced to the situation of an unmarried man, harassed by the same desires, subject to the same temptations; yet his condition is tenfold worse; the one may marry, the other cannot: so he must remain helpless and hopeless, or plunge into vice and misery, because he is debarred of the remedy which God has provided, stripped of that undoubted privilege with which God and nature have invested him, by the lyes and forgeries of fathers and councils, &c."

Now, is not that just as true as the case made in favour of the present Bill? Mr. Madan's argument from Scripture, and against fathers and councils, in favour of polygamy, is, to say the least, as plausible as that of the hon. and learned Member for Southampton: and as to the facts, it cannot be denied that, in the main, what Mr. Madan says is true. Many persons are separated from their wives through unavoidable causes, not entitling them to a legal divorce; very great misery, very great temptations to immoral living, and a vast amount of actual immorality, do ensue; and it may be said in that case, with as much appearance of truth as in this, that all that misery and immorality is owing to the state of the law. I cannot help wishing that we could have access to the statistics of bigamy and immoral cohabitation under such circumstances, because I feel very sure that if the same industry were used to get up a case for the alteration of the laws of bigamy and divorce, which has been used by the promoters of the present Bill—I feel perfectly sure that a very much stronger case of the same kind would be disclosed. Among the poor—among the labouring classes—who are often separated from their wives by the nature of their service, and other causes, such violations of law and morality are, I am satisfied, far more common than marriage, or any other kind of connexion, with a wife's sister; and though offences of this nature are not pardonable, certainly, it is impossible not very often to feel great compassion for those who commit them: and, in the same way, I hope it will not be supposed that I am without feeling for those unfortunate persons who have been led to marry the sisters of their wives, especially when they have done so in ignorance, or under the influence of evil counsels calculated to mislead their judgment. But the laws of morality must not be made to bend to individual cases; and the proper mode of correcting such evils as these, among all classes, is not by degrading the law to the level of the practice of those who break it, but by holding up a sound standard of morality to the people, and by increased exertions to enlighten ignorance, alleviate distress, and extend the knowledge and practice of religion.

Sir, I am sensible that I have trespassed at too great length upon the House. I will not follow the right hon. Gentleman the Member for the University of Cambridge over the ground which he has so well occupied, when he dwelt with so much eloquence and feeling upon the social and domestic advantages of the present law. One word on that part of the subject, and I have done. The hon. and learned Member for Southampton has admitted that the effect of the present Bill, if carried, will be, for the future, to place our sisters-in-law with whom we now associate as freely and intimately as if they were our own sisters, upon the footing of first cousins. How cruel a privation this will be! We shall be deprived of the indulgence of that pure love and affection, unconnected with any thoughts of marriage, which now adds so much to the charm of life; of all that delightful familiarity, those tender and kind offices of the sister-in-law to the widower and his orphan children, which are now safe, because marriage between such relations is impossible, but which are not now permitted to any first cousin, unless she has reached an age which puts all considerations of marriage out of the question. Marriage must be determined upon, or these things must cease. And when it is remembered how vast is the disproportion between the number of women and men who do not wish to marry their brothers and sisters in law, whether from principle or from want of inclination, and those who do, and that the religious lawfulness of such marriages is (to say the very least) doubtful—when we remember all this, it does seem the height of cruelty to force this estrangement, for the sake of a few lawless persons, upon the great majority who prize the blessings which they enjoy under the present law. I entreat the House to give effect to these objections—objections entertained upon such strong grounds, and corroborated by all the experience and authority of the Christian Church—to respect the feelings and wishes of multitudes who ask to be protected in the right to treat the sisters of their wives as their own, and of the women of England, 11,000 of whom have petitioned the Queen not to assent to this Bill, if it shall unfortunately pass this House, and who now implore you not to violate the purity of domestic religion, and the sanctity of our homes.

Mr. E. H. BUNBURY moved that the debate be now adjourned. He believed many Members were anxious to express their opinion on a subject of much importance.

Mr. STUART WORTLEY thought there was little hope of coming to a division that night, as there were many hon. Gentlemen who wished to speak. He hoped it would suit the convenience of the Government to allow the debate to be resumed to-morrow.

Mr. E. H. BUNBURY had no wish to come in the way of the House if they were desirous to come to a decision. At the same time, he should like to express his opinion on the question.

Mr. GLADSTONE thought it would be scarcely fair to ask the hon. Gentleman to commence his argument on a question so important at that late hour. It was not possible to come to a decision that night; and he was sure there was no wish to come to any premature decision.

The CHANCELLOR of the EXCHEQUER said, the House would go into Committee to-morrow with reference to an advance of money for Ireland. If that subject did not occupy too much time, the debate might be resumed afterwards.

Sir R. H. INGLIS hoped that no time would be fixed which did not give ample opportunity for debating the subject. If it could not be brought on at an early hour, another day should be fixed.

Debate adjourned till To-morrow.

SAVINGS BANKS COMMITTEE.

Mr. REYNOLDS rose to move that the remaining names on the list formerly nominated by him as a Select Committee on Savings Banks be agreed to. He observed from the amended lists which the Chancellor of the Exchequer had put on the Paper, that he had now named the Marquess of Kildare and Sir G. Clerk, neither of whom were on the Committee last year. He wished him to explain this deviation from the rule he had laid down. If the Chancellor of the Exchequer's Motion were carried, there would be eleven English and four Irish Members on the Committee. He (Mr. Reynolds) originally proposed that there should be eight English and seven Irish Members. The House had rejected Mr. Napier by a majority of 37, on what ground he could not tell, for a more scrupulously honourable man did not exist. It was said, he was not on the Committee of last year; but neither was the Marquess of Kildare nor Sir G. Clerk. He had put the right hon. Gentleman the Member for the University of Cambridge in his former list; but he would not do so now, because it was when he was Chancellor of the Exchequer that the fraud commenced. [Mr. Goulburn dissented.] If the fraud did not commence when the right hon. Gentleman was in office, it was at least fostered during that time. His attention was called to the frauds that were committed by a dozen credible witnesses who waited upon him; but he never directed the accounts to be closed with the bank, as it was his duty to do. What was the meaning of this attempt on the part of the right hon. Gentleman the Chancellor of the Exchequer to select this Committee? Should the House carry the Committee against him (Mr. Reynolds), he would retire from the duty he had imposed upon himself altogether. In the list he had originally handed to the Chancellor of the Exchequer, there were eight English Members and seven Irish. That list he would again, in the name of peace and fair play, and in the name of the unfortunate paupers whom he represented, tender to the right hon. Gentleman. He had used the word "pauper" advisedly, for they had been rendered poor by bad laws badly administered. He thanked those hon. Members who supported him on the former evening; and he begged also to thank the conductors of the public press for the assistance which they had rendered him. He believed that without a single exception the press of London had advocated the cause he was now supporting, and had called upon the Government not only to improve the law, but to prevent those unfortunate people being victimised. Nay, the *Times*, the *Morning Chronicle*, and he believed other papers, had even gone to the length of demanding that the people should be reimbursed from the public exchequer. He might be told that he wanted a Committee pledged to put their hands into the public purse: he did not want any such Committee. He wished for a Committee that would inquire and report; and if their report should not be based on evidence, then it would have no weight with the House.

Motion made, and Question proposed, "That Mr. John Abel Smith be one other Member of the said Committee."

The CHANCELLOR of the EXCHEQUER said, he certainly should make no objection to the name of his hon. Friend, Mr. John Abel Smith, as he was a Member of the Committee of last year. He begged to assure the hon. and learned Gentleman the Member for the University of Dublin, that in opposing the insertion of his name the other evening, it was for no other reason than that the hon. and learned Gentleman was not on the Committee last year. When he endeavoured to effect an arrangement for the nomination of the Committee, he actually had put the name of the hon. and learned Gentleman on his list; but, finding that the only ground on which he (the Chancellor of the Exchequer) could stand, was by the reappointment of the Committee of last year, and the hon. and learned Gentleman not having been on that Committee, it became necessary to omit his name from the list. He had hoped that the division the other evening would have been taken as expressing the opinion of the House, and that he should have been able to reappoint the members of the late Committee without any opposition on the present occasion. It was true he had proposed no names which were not on the Committee of last year; that was in consequence of Mr. Hume having expressed his wish not to be put on the Committee; he, therefore, had substituted for Mr. Hume an additional Irish Member. The name of Sir J. Graham had also been left out, because there was little probability of his being able to attend the Committee, and he had nominated Mr. Goulburn as a substitute. The hon. Gentleman the Member for the city of Dublin had said, that this being an Irish case, he ought to have more than seven Irish Members on a Committee; and he made a general complaint as to the constitution of Committees on Irish affairs. Now, what was the fact as to the Committee on Irish fisheries? Fourteen out of the fifteen Members on that Committee were Irish Members, and the fifteenth was an Irishman, though sitting for an English county—his hon. Friend the Member for Northamptonshire. [Mr. Stafford: I am not an Irish Member.] Though his hon. Friend had changed his name, he (the Chancellor of the Exchequer) could not say that he had changed his nature, for he had heard his hon. Friend advocating Irish affairs with as much zeal as if he were a Member for an Irish, instead of an English county. Now, he must observe, that three Irish Members in a Committee of fifteen was rather more than the proportion that was due, according to the number of Irish Members in that House; and, as he considered the question relating to savings banks an imperial question, it could not be said that he had acted unfairly by allotting to Ireland four members out of the fifteen.

Mr. STAFFORD begged to tell the right hon. Gentleman the Chancellor of the Exchequer, that if he would refer to Mr. Dod's *Parliamentary Companion*, he would find out his mistake. All he could say was, that if he were an Irish Member, he was not so fortunate as to obtain the celebrated summons for the recent attendance of that body in Downing-street. He was not surprised, however, as the right hon. Gentleman seemed to think that Dover was a Scotch borough, that he should take Northampton to be an Irish county. The right hon. Gentleman had not met the statements of the hon. Member for the city of Dublin; and, depend upon it, that no majorities in that House could control public opinion on this question out of doors, which had already unequivocally declared itself through the public press, and which would determine how far the Government were liable to the charge of evading inquiry, and of attempting to intercept justice to these poor depositors. It had not been alleged by any Member of the Government that the inquiry about to be made was the same as that instituted last year; and why the Government should depart from the usual courtesy of allowing a Member to nominate his own Committee of Inquiry, he was at a loss to conceive. The question was—had these paupers or not been deluded by the bad working of a bad law? It was possible for the Government, by packing the Committee, to stifle inquiry and get a favourable report adverse to the claims of these poor people, while at the some time they shielded their own neglect or something else; but they could not eventually stave off an inquiry which they knew must be unfavourable to them. If the Committee should report in favour of a grant from the Consolidated Fund to these unfortunate persons, the House might reject that report, but it would be impossible for an hon. Member to bring on a Motion in favour of such a grant in the teeth of an adverse report from the Committee. He had listened with great pain to the charges made by the hon. Member for Evesham in a former debate on this subject, with reference to the conduct of Mr. Tidd Pratt. The Chancellor of the Exchequer and the right hon. Gentleman the Member for the University of Cambridge ought to be the last persons in the House to give the shadow of an opinion that they were shirking inquiry into a question respecting a subject for which, upon investigation, they might be held responsible.

Mr. GOULBURN: The charges made by the hon. Member for Evesham were that he (Mr. Goulburn), having a knowledge of the state of the St. Peter's savings bank, had brought in a Bill for exempting trustees from their liability. Now, that Bill had been brought in and passed in 1844, and the communication made to him on the subject of the savings bank was not made until late in the year 1845.

Sir H. WILLOUGHBY observed, that from 1833 to 1848 the Commissioners for the Reduction of the National Debt were cognisant that the bank was insolvent—and if hon. Gentlemen doubted the fact, he could refer them to question 1646, page 120, of the report of the evidence taken before the Committee. Moreover, he was enabled to state that the Commissioners for the Reduction of the National Debt had consulted with Mr. Tidd Pratt as to the possibility of closing the bank in 1839, and therefore that person must also have been cognisant of the position of the establishment. The question, therefore, which the House had to consider was, whether the Government, knowing that the bank was insolvent, and knowing that the depositors had a remedy against the trustees, was justified in passing a Bill to exonerate those persons from their liability? The Chancellor of the Exchequer might personally know nothing of the matter; but it was clear beyond doubt that the Commissioners for the Reduction of the National Debt were well aware, in 1839, that the bank was insolvent.

MR. LABOUCHERE hoped the House would not be led into a discussion upon the general question of savings banks, but would confine itself to the question at issue—namely, the composition of the Committee. He protested against the doctrine laid down by the hon. Member for Northamptonshire, that any discourtesy was intended to any hon. Member, because the Government wished to make an alteration in the names proposed by him to serve on the Committee. If the Government were not to have some control in such matters, the object of appointing Committees would be, in a great measure, frustrated. He assured the hon. Member for the city of Dublin that no discourtesy was intended to him; and he begged other hon. Gentlemen, to whose names exceptions might be taken, not to consider that any discourtesy was intended towards them.

MR. H. HERBERT was not disposed to withhold his sympathy from the Government in its struggle to get a Committee nominated by itself appointed, because it had all along most consistently attempted to quash inquiry. Let it be remembered that the right hon. Gentleman the Chancellor of the Exchequer had, in the first instance, done all in his power to prevent the appointment of the Committee, and that had it not been for the justice and humanity of the House, they would not be now engaged on the present debate. He admitted that the question was an awkward one, for there were grave and serious charges to be brought against persons in high places, and because the question had been shirked by an officer of the Government, who felt that his conduct was blameable on the recent occasions in which he conducted inquiries, and who, instead of feeling sympathy for the poor persons who had lost their money, had made a report containing the most unfounded calumnies and falsehoods that ever came out of the mouth of man. ["Hear, hear!"] This perhaps was strong language, and he admitted it would be disgraceful in him to use it if he were not prepared to prove the charge. He was prepared to do so, and he would not have made the statement if he had not documents in his possession to prove it to the letter.

VISCOUNT BARRINGTON reminded the House that the debate was extremely personal, and expressed a hope that the Government would select Gentlemen to serve on public Committees in the manner they did private Committees, in order to prevent those scenes of personal recrimination.

COLONEL RAWDON regretted that the name of the hon. and learned Gentleman the Member for the University of Dublin had been excluded, as its retention would have given great satisfaction in Ireland. He proposed that the debate be adjourned, in order that some amicable settlement might be entered into.

MR. HORSMAN suggested that an arrangement might be made to prevent the disagreeable necessity of sixteen divisions. The question appeared to be, not that a certain number of Irish Members should be put on, but that an equal number should be substituted. He begged to second the proposal of his hon. and gallant Friend, that the debate be adjourned.

The CHANCELLOR OF THE EXCHEQUER said, he did not believe any arrangement would be come to by any adjournment, though he had no objection to the debate adjourned *sine die*. After having discussed the matter for an hour and a half, he thought it would be a pity to waste further time.

MR. MONSELL supported the Motion for an adjournment. The right hon. Gentleman the Chancellor of the Exchequer had excluded every Irish lawyer from the Committee.

MR. REYNOLDS said no man was less disposed to interrupt their sleeping hours than he was, but he thought an adjournment ought to take place.

Motion made, and Question, "That the debate be now adjourned," put, and negatived.

Original Question put, and agreed to.

Motion made, and Question proposed, "That Mr. Grogan be one other Member of the said Committee."

Amendment proposed, to leave out the name of "Mr. Grogan," and to insert the name of "Sir George Clerk," instead thereof.

Question put, "That the name of Mr. Grogan stand part of the Question."

The House divided:—Ayes 81; Noes 123: Majority 42.

List of the Ayes.

Alexander, N.
Bailey, J. jun.
Baldock, E. H.
Bankes, G.
Beresford, W.
Bernard, Visct.
Blackall, S. W.
Blair, S.
Blake, M. J.
Boyd, J.
Christy, S.
Clements, hon. C. S.
Clive, H. B.
Coles, H. B.
Crawford, W. S.
Dawson, hon. T. V.
Dodd, G.
Duncuft, J.
Du Pre, C. G.
Edwards, H.
Fagan, W.
Farrer, J.
Fellowes, E.
Forster, M.
Fuller, A. E.
Gaskell, J. M.
Gooch, E. S.
Gore, W. R. O.
Greenall, G.
Greene, T.
Halsey, T. P.
Hamilton, G. A.
Henley, J. W.
Herbert, H. A.
Hildyard, R. C.
Hodgson, W. N.
Hood, Sir A.
Horsman, E.
Hughes, W. B.
Kershaw, J.
Lawless, hon. C.
Lowther, hon. Col.
Lowther, H.
Mackenzie, W. F.
Macnaghten, Sir E.
Masterman, J.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Monsell, W.
Moody, C. A.
Mullings, J. R.
Napier, J.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir L.
O'Brien, T.
O'Connell, J.
Ogle, S. C. H.
Packe, C. W.
Pearson, C.
Pilkington, J.
Portal, M.
Rawdon, Col.
Renton, J. C.
Repton, G. W. J.
Salwey, Col.
Sandars, J.
Scully, F.
Sheridan, R. B.
Sibthorp, Col.
Spooner, R.
Stafford, A.
Stuart, Lord J.
Talbot, J. H.
Tenison, E. K.
Thompson, Col.
Turner, G. J.
Walpole, S. H.
Willoughby, Sir H.
Wyld, J.

TELLERS.

Reynolds, J.
Dunne, Lieut.-Col.

List of the Noes.

Acland, Sir T. D.
Adair, R. A. S.
Aglionby, H. A.
Anson, hon. Col.
Armstrong, R. B.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Barrington, Visct.
Bass, M. T.
Bellew, R. M.
Berkeley, C. L. G.
Birch, Sir T. B.
Boldero, H. G.
Brackley, Visct.
Brotherton, J.
Buller, Sir J. Y.
Bunbury, E. H.
Cardwell, E.
Carter, J. B.
Childers, J. W.
Cockburn, A. J. E.
Cocks, T. S.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, W. G.
Crowder, R. B.
Deedes, W.
Denison, W. J.
Denison, J. E.
Douglas, Sir C. E.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duncombe, hon. O.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Elliot, hon. J. E.
Evans, W.
Filmer, Sir E.
Fordyce, A. D.
Fortescue, C.
Freestun, Col.
Glyn, G. C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Earl
Hardcastle, J. A.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heneage, G. H. W.
Henry, A.
Heywood, J.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hope, Sir J.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. G. G.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Legh, G. C.
Lemon, Sir C.
Lewis, G. C.
Lindsay, hon. Col.
Lockhart, A. E.
Maitland, T.
Mangles, R. D.
Martin, J.
Matheson, A.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Mitchell, T. A.
Morris, D.
Mulgrave, Earl of
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Parker, J.
Patten, J. W.
Pigott, F.
Pryse, P.
Pusey, P.
Raphael, A.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Sir J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Sandars, J.
Seymer, H. K.
Seymour, Lord
Simeon, J.
Smith, M. T.
Smollett, A.
Somerville, rt. hon. Sir W.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, Lord J.
Talbot, C. R. M.
Talfourd, Serj.
Tancred, H. W.
Thicknesse, R. A.
Thornely, T.
Tollemache, hon. F. J.
Townley, R. G.
Townshend, Capt.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyvill, M.

TELLERS.

Hill, Lord M.
Tufnell, H.

Question, "That Sir George Clerk be one other Member of the said Committee," put, and agreed to.

Mr. Gibson Craig nominated one other Member of the said Committee.

Motion made, and Question proposed, "That Mr. George Alexander Hamilton be one other Member of the said Committee."

Amendment proposed, to leave out the name of "Mr. George Alexander Hamilton," and insert the name of "Mr. Herries," instead thereof.

Question put, "That the name of Mr. George Alexander Hamilton stand part of the question."

The House divided:—Ayes 61; Noes 120: Majority 59.

Question, "That Mr. Herries be one other Member of the said Committee," put, and agreed to.

Mr. REYNOLDS observed, that he had promised the House sixteen divisions, but as there had only been two, he was fourteen in arrear. Having consulted, however, with those who were joined with him on the present occasion, he found they were of opinion that, under all the circumstances, it would be better for him not to press his own list any further on the

House, and he had, therefore, resolved not to put them to the trouble of another division. He found that the Chancellor of the Exchequer was sure to carry his point, and he, therefore, threw upon the right hon. Gentleman the whole responsibility of the nomination of the Committee. He trusted that the right hon. Gentleman would take care that a good and efficient Committee were appointed, and that they would inquire into the matter submitted to them with carefulness and impartiality.

The CHANCELLOR OF THE EXCHEQUER thanked the hon. Member for not persevering in his intention to take sixteen divisions, and assured the hon. Member that he was quite as anxious as himself that the Committee should be a fair one, and that its inquiries should be characterised by a spirit of impartiality.

The other names as proposed by the right hon. Gentleman were then adopted. They were as follows: — Mr. Poulett Scrope, Sir John Yarde Buller, the Marquess of Kildare, Mr. Ker Seymer, Mr. Shafto Adair, Mr. William Fagan, and Mr. Bramston.

The House adjourned at half-after One o'clock.

HOUSE OF LORDS,

Friday, May 4, 1849.

MINUTES.] *Took the Oaths.*—The Viscount Ponsonby.

Sat first.—The Lord Berwick, after the Death of his Father.

PUBLIC BILLS.—1ª Freemen's Lands.

3ª Cruelty to Animals Prevention.

PETITIONS PRESENTED. By the Earl of Falmouth, from Penzance, against the Repeal of the Navigation Laws.—By Earl Delawarr, from Cambridge, for the Restoration of Protection to British Produce.—From Plymouth, and a Number of other Places, against the Navigation Bill.—By Lord Redesdale, from Lyme Regis, for Increasing the Number of Bishops and Clergy.—From Middleton, against any Measure for the Endowment of Roman Catholic Clergy.—From the Lissane and Limerick Unions, for a Modification of the Poor Laws (Ireland) Rate in Aid Bill, and for the Adoption of a System of Emigration.—By the Marquess of Breadalbane, from the Congregations of several Free Churches in Scotland, against Sunday Travelling.—By Lord Monteagle, from Hawarden, Huddersfield, and other Places, against the granting of any New Licenses to Beer Shops.—From the Irish Branch of the United Church of England and Ireland, for an Alteration in the Mode of Disposing of the Grants in aid of Education (Ireland).—From Melksham, for the Suppression of Seduction and Prostitution.—By Earl Grey, from Montreal, for a Repeal of the Navigation Laws.

RAILWAY ACCOUNTS—MR. SAUNDERS.

LORD BROUGHAM presented a petition from Charles Alexander Saunders, which he had been requested by that gentleman to present in consequence of some observations which had fallen from him in the course of his speech the other night on railway audits. He had mentioned the name of Mr. Saunders, because his name had been prominently brought forward at a public meeting. Mr. Saunders gave a different statement of the transaction to which he (Lord Brougham) had referred, in two important particulars. Mr. Saunders stated that he never was a servant of the South Devon Company; and he (Lord Brougham) had never said that he was so. He had said that Mr. Saunders was the secretary of the Great Western Company. The question turned, not on the shares of the Great Western, but on the shares of the South Devon Company. The only point on which he had any doubt in his statement was, whether he was altogether justified in declaring that the South Devon was an affiliated branch—though he did not use that exact phrase—of the Great Western Company. The Great Western was only connected with the South Devon by holding a great number of its shares, and exercising thereby a preponderating influence over it; and that was the mode in which one company often exercised an influence over another, to the great injury and detriment of the public. The Great Western had purchased a large number of shares of the South Devon, and had paid up the calls upon them. Mr. Saunders had also purchased on his own account many shares, but had not paid up the calls. He had purchased what were called "preference shares," for which there was a guarantee of 6 per cent for ten years. The South Devon ceased to pay that interest at the end of the first year, and, as they had broken its bargain with him, Mr. Saunders did not feel called upon to keep his covenant with them. It was not the suggestion of Mr. Saunders, but it was a suggestion made to him in the other House of Parliament by a gentleman who was a Privy Councillor, that the whole transaction was illegal. He took the opinion of an eminent counsel at the Chancery bar, and also at the common law bar, upon the suggestion, and they gave him such strong opinions on the point, that he determined to resist the payment of his calls; and the matter was now *sub judice*. He (Lord Brougham) had also said, on the authority of Mr. Hutton, that Mr. Saunders had a salary of 3,000*l.* a year. It turned out that he had only a salary of 2,000*l.* a year. Such were the statements of the petition; and, as he had been the party to bring forward the charges against that gentleman in his place in Parliament, he thought it only right that he should give Mr. Saunders's correction of them from the same place. He had been informed by several noble Lords, who had long known Mr. Saunders, that he was a most respectable person, and that anything he said was deserving of credit.

LORD LYNDHURST bore testimony to the honourable character of Mr. Saunders, and, corroborating the observations which had fallen from Lord Brougham, proceeded to explain the reasons which had induced Mr. Saunders to purchase these preference shares of the South Devon Company. Mr. Saunders had submitted all his proceedings in resisting the payment of the calls on those shares to the directors of the Great Western Company, and those proceedings had met with their general approbation.

LORD BROUGHAM observed, that though he had mentioned the name of Mr. Saunders, he had not mentioned the name of the solicitor who had got 190,000*l.* of the money of the Great Western Company. He had said that he was a member of a respectable firm, for which he had himself had done business; and a Mr. Hunt, whose name he had not even mentioned, had applied to him personally to state that he was not the party implicated. Certainly Mr. Hunt was not.

The DUKE of CLEVELAND made some remarks on the conduct of Mr. Saunders towards the South Devon Company. That individual might be able to defend his conduct in a legal point of view, but he could not defend his honesty. The petition which he had just presented would do him more harm than good.

LORD BROUGHAM said, he thought the noble Duke was rather hard upon Mr. Saunders. If the noble Duke had proposed to buy a farm, and found there was a bad title, would he not try to get out of his bargain?

The DUKE of BEAUFORT said, that he had been for many years acquainted with Mr. Saunders, who was a man of high honour and character. Some years ago the directors of the Great Western had presented him with a large sum of money and a piece of plate in return for his valuable services to that company.

EARL GRANVILLE only knew the facts of this case from a communication made to him that morning by a noble Lord, whose statement coincided entirely with that contained in the petition of Mr. Saunders. If that statement were true, no blame could attach to that gentleman. The first doubt of the legality of the preference shares was suggested to him by Sir E. Ryan, whilst in conversation beneath the gallery in the House of Commons with Mr. Russell, the chairman of the Great Western. He had himself seen Sir Edward Ryan that morning, and Sir Edward informed him that he perfectly recollected the conversation in question.

REPORTING THE DEBATES IN THE HOUSE OF LORDS.

LORD BEAUMONT gave notice that, on Thursday next, he would move the consideration of the Standing Order No. 130, for the purpose of referring it to the Library Committee; he meant the standing order which related to the presence of strangers during the sitting of the House. His own opinion was, that it was very essential to the House that something more accurate should be given to the world as an account of what passed in that House. He had himself been put to great inconvenience by a misrepresentation—no doubt an unintentional misrepresentation—of some proper names, which was not the fault of the persons who attended there for the purpose of giving an account of their Lordships' proceedings, but was owing partly to the malconstruction of the House, and partly to the noise which was made in a part of the House which was not, strictly speaking, within the House—he meant below the bar. As a consequence of this, whatever might be the wish of the reporters to convey to the country an accurate representation of what occurred, they were unable to do so, and great pain had been given to certain private individuals, from their not being furnished with a clear and distinct statement of what had passed. The result had been that such a number of letters had been addressed to those Peers who took part in the debates, as required a great deal of time to be answered.

REBELLION LOSSES BILL (CANADA).

LORD STANLEY: My Lords, I wish to put a question to the noble Lord the Secretary of State for the Colonies, the necessity for which has arisen from what I must conceive to be an erroneous report of what has been stated in another place, upon a subject of considerable importance. It has been reported that a statement was there made, on the part of Her Majesty's Government, that, with respect to the Bill which is now pending, or rather which has passed the two branches of Legislature in Canada, for granting compensation for losses sustained during the rebellion in that country, and which is now awaiting Her Majesty's assent, to be signified either by the Governor General or by the Secretary of State for the Colonies, no official correspondence whatever, up to the present time, has taken place between Her Majesty's Secretary of State for the Colonial Department and the Governor General of Canada; that the reports of the proceedings of the Legislative Assembly in Canada have not been communicated to Her Majesty's Government; and that no official instructions have been either asked for or given, nor any correspondence taken place on the subject. It has been added—which is a matter, in my mind, of still greater importance—that private letters have passed upon the subject between the noble Earl the Secretary of State for the Colonies and the Governor General of Canada, and that this course has been adopted avowedly for the purpose of rendering it impossible that the correspondence should be laid before your Lordships, or come under the cognisance of Parliament. I am perfectly ready to agree, as in other communications of this kind, that Her Majesty's Government have the power to withhold any portion of the correspondence on the ground of its being detrimental to the public service; but if the course has been pursued which I hope to hear denied by the noble Earl, and that the statement of what took place elsewhere was erroneous—if, I say, the whole of the correspondence, with the opinions of the Governor General, and the directions of the Secretary of State for the Colonies upon a matter which deeply affects imperial interests—if these have been studiously confined to private correspondence, and no official correspondence has taken place—if, consequently, that private correspondence is the private property of the Secretary of State, and, when he leaves the office he now holds, will be removed by him from the public records; or if it be of such a character that at no time it is capable of being produced — then, my Lords, in such case, if that system be suffered to prevail, Ministerial responsibility is at an end, and the control of Parliament is absolutely ousted over any proceedings which Her Majesty's Ministers may think fit to adopt with relation to our colonial interests. Nay, more, the successor of the noble Earl, whenever the noble Earl shall quit office, who will have to carry on the affairs of Canada, finding, perhaps, that this question has led to ulterior consequences, will have no record before him by which he may understand the intentions and advice of his predecessor, or the nature of the information and instructions given to the Governor General, by which he may be influenced in guiding his own course in measures which may have resulted from this. I hope to hear from the noble Earl, not that he is ready to produce that correspondence, but that there is one which will remain in the office, and which, at some time, may be produced, if necessary, in order to throw light upon the course pursued by Her Majesty's Government in this matter. I have felt it my duty to call attention to this case, for the purpose of marking, as I think your Lordships will do, your opinion of the irregularity and inexpediency of such a course of proceeding for the future, if it has been adopted upon the present occasion. The questions which I wish to put to the noble Earl are—first, whether any official correspondence has taken place upon this important subject between himself and the Governor General of Canada? and, in the next place, whether the whole and sole responsibility of assenting to, or refusing to, sanction the Bill, is intended by Her Majesty's Government to be cast upon the shoulders of the Earl of Elgin? and, thirdly, whether, acting upon the part of the Crown, the Secretary of State has felt it his duty to instruct the Governor General of Canada as to the course he was to take on behalf of the Crown?

Earl GREY: In reply to the questions put to me by the noble Lord, I have to inform your Lordships that no official correspondence has taken place upon the subject referred to by him. I have further to inform your Lordships that the proceedings of the Legislative Assembly are not yet in the possession of the Colonial Office. It has never been the practice that the votes and proceedings of the colonial legislatures should be sent from any of the colonies enclosed to the Secretary of State. We have accounts in the local newspapers; but formal reports of these proceedings have never usually been in the possession of the Secretary of State for the Colonies until the close of the session of the colonial legislatures. Some time since this inconvenience attracted my notice, and I wrote a circular to the Governors of the principal colonies, directing that by every mail the votes and proceedings of the legislative assemblies should be transmitted to the Secretary of State. But with respect to the correspondence on this subject, I must further add, that the private letters which have passed between myself and the Earl of Elgin are confined, so far as they relate to this subject, to the expression of his opinion that it was his duty to decide upon his own responsibility, when this Bill should be tendered to him, whether he would accept it or reject it, or whether he would reserve it for the sanction of Her Majesty's Government; leaving it to them, when he had acted in accordance with his constitutional duty, to determine whether the decision to which he should so have come should be approved by Her Majesty in Council or otherwise. It will rest with Her Majesty in Council ultimately to determine whether this Bill is to come in force or not; but the Governor General has stated to me, that he thought it inexpedient, until he was called upon to take some measure on the subject—until he was called upon to act in the matter, that he should make any report whatever upon it, because he conceived it to be inexpedient that it should be known in the colony what would be the course which he should ultimately think it right to take. The Act which had been passed through the two branches of the legislature, had not, at the date of the last advices, been tendered to him for his assent; and, upon inquiry, I find that it is the usual practice of the legislature in Canada, as of most others, not to tender any public Act to the Governor, for his acceptance or refusal, until the close of the session, unless there existed some special reason for bringing the Act into early operation. The present Bill has not yet been laid before the Governor General; he has not decided; and not having decided—not having taken any public step upon that subject, he said that he did not conceive the time was come when he could with propriety or advantage to the public service make any official report upon it. I have further to state, that I have given Lord Elgin, neither publicly nor privately, any directions or instructions with respect to the course he is to pursue. I have abstained from doing so deliberately and advisedly, because, in my opinion, it is absolutely impossible that the affairs of the colonies can be administered with advantage, if the Secretary of State interferes more with the discretion of the Governor than is absolutely necessary. The more experience I have of colonial affairs, the more persuaded I am that the true secret of satisfactory management of our colonies is to choose the best men that can be found for governors, and having got such governors, to give to them a large and wide discretion, and a generous trusting support, and never to believe that they have acted wrong, unless there is some strong evidence to that effect. In pursuance of that opinion, I have advisedly and deliberately abstained from giving the Governor General of Canada any instructions with respect to the course he is to pursue on this subject. I have further to say, that if I should leave the office I hold next week, the official correspondence left in the records of the office will leave to my successor all the means which can be necessary for forming his judgment upon any measure which he may be called upon to adopt. Of course, I adhere to the practice—which has been the practice of all my predecessors — of corresponding privately, as well as officially, with the governors of Her Majesty's colonies. It is important that I should know, not only what they have done, but what are their private opinions upon the various subjects which may come under their notice. It is more especially necessary in cases where the governors are private friends, that I should have their full and unreserved opinion upon passing events both at home and abroad. These letters I shall continue to write and to receive; but, most undoubtedly, I think, as the noble Lord thinks, that it would be departing from my duty, and the governors of the colonies would be equally departing from theirs, if the official correspondence which may remain in the records of the office does not contain what it ought to contain—namely, the fullest information with respect to all the facts and occurrences which take place in those colonies, and upon which the Secretary of State for the time being, wherever he may be, may be called upon to decide. I have reason to believe that I have carried almost farther than most of my predecessors the principle of taking care that every instruction and every important statement of facts should be contained in official despatches, and not be confined to private letters.

LORD BROUGHAM said, it was very important—not that incidental communications between one man and another should be perused in order to their being laid before Parliament, but that communications on public business from colonial governors to the Secretary of State should be preserved for the use of Parliament. He had been greatly relieved from his anxiety on this point by the statement which the noble Lord had just made. He understood that an old and valued friend of his had stated elsewhere that Lord Elgin had omitted to mention certain matters of great public importance in his despatches, lest those matters should be brought before Parliament, but that he had noticed them in his private correspondence with the noble Lord the Secretary of State for the Colonies. But nothing could be more incorrect, more groundless, than the doctrine that because a thing is mentioned in a despatch, Parliament must be made acquainted with it. Many things might be mentioned in a despatch which it would be highly improper to lay before Parliament; and even in times of the strongest opposition to a Government, Parliament never had the least difficulty in acceding to the proposition that a despatch should not be made public if any Minister thought its publication would be inconsistent with the public service. Nothing, therefore, could be more absurd than the idea that things which it might not be convenient to lay before the public, could not be put in despatches lest they should be called for by Parliament; for despatches had been called for and refused at all times. He agreed with the noble Earl that the best way of governing a colony was to take great care, in the first instance, to choose fit and proper persons, and having made a selection, to give them entire confidence, and to lend them an unhesitating and generous support, until they were clearly proved to be in the wrong. That was the rule by which he (Lord Brougham) had always been guided as a Minister. He doubted very much, on the other hand, whether a governor should be so left to himself as that he might act entirely on his own responsibility: while there might be no ground for fettering his discretion, it might be necessary to give advice and suggestions, and even directions, for the right management of colonial affairs. It was highly satisfactory, however, to know that there was no foundation whatever for the statement made elsewhere, that Lord Elgin had omitted certain matters from his despatches lest Parliament might be made acquainted with them.

OUTDOOR RELIEF (IRELAND).

The EARL of ROSSE moved for the production of certain correspondence which had recently passed between the Poor Law Commissioners and the boards of guardians in Ireland as to the expediency of giving or withholding outdoor relief. He did not expect that his Motion would meet with any opposition from Her Majesty's Government; but he nevertheless thought that some little explanation was necessary, as otherwise his object might not be obtained. The correspondence between the Poor Law Commissioners and the different boards of guardians was so voluminous that he felt great difficulty in so wording his Motion as to procure the production of all the information which he wanted. He was particularly anxious to obtain that portion of the correspondence which took place during the last five or six months. He understood, that in the unions of Ballinasloe and Dungarvan, the system of outdoor relief had to a considerable extent been enforced; and he had carefully examined the evidence of Mr. Power, given before a Committee of their Lordships, with a view to seeing what his opinions were upon the question to which he was now addressing himself; he regretted, however, to find that the evidence of Mr. Power was not so clear and satisfactory as might be expected from a gentleman of his experience and ability. Mr. Power, it seemed, had been asked how it happened, that in some unions the poor never received outdoor relief; and it would be collected from his evidence, that wherever the poor-law was well administered, they had not found outdoor relief to be necessary; but, wherever the law was ill administered, outdoor relief became indispensable. Now, their Lordships could not fail to see that a good deal of importance might be considered to attach to the subject which he desired to bring under their notice, and therefore did he feel most anxious to obtain any documents or correspondence which would throw light upon the proceedings of the Poor Law Commissioners, and the several boards of guardians. Whatever the conclusions might be at which their Lordships would arrive after seeing the correspondence for which he was about to move, one position was perfectly clear, that wherever there was least outdoor relief, there the amount of industry and prosperity amongst the population would be the greatest. He might mention the circumstances of that union with which he himself was best acquainted—the union or electoral division of Parsonstown; there no outdoor relief was administered, and the rate was 3*s.* 9*d.* in the pound, while in the union of Tullamore the rate was much higher, and the practice of outdoor relief most extensive. For this dissimilarity no good reason could be assigned, at least none founded in any material difference between the one district and the other, for they adjoined each other; they had much in common, and he saw no ground for thinking that the poor-law might not be similarly administered in both places. Besides the other information which he desired to obtain, he wished to know the amount of increased expense incurred in the building of additional workhouses.

The **Marquess of CLANRICARDE** said, that Her Majesty's Ministers had not the slightest objection to produce every possible information on the matters to which the noble Earl had referred. But he thought it would be desirable that the noble Earl should limit his Motion to the correspondence which had taken place during the last twelve months.

The **Earl of ROSSE** said, it would perhaps be better that the correspondence which had taken place during the last six months should be produced in the first instance; the rest might afterwards be made to follow.

The **Marquess of CLANRICARDE** said, that the only desire of the Government was to produce the correspondence in the mode and at the period that would prove most convenient. With respect to the case of the union of Ballinasloe to which the noble Earl had referred, he wished to observe that as the recipients of relief in that union exceeded 4,000, it was very possible that proper workhouse accommodation could not be found for them all. He confessed he was strongly in favour of the principle of confining relief within the workhouse; but, under the immediate pressure which existed in Ireland, and which he hoped would be but temporary, it was necessary that poor-law guardians should be empowered to extend the relief to outdoor recipients. The papers which the noble Earl moved for should be produced with as much despatch as possible, and as copiously and satisfactorily as the subject required.

Lord MONTEAGLE said, that two questions of great importance were involved in the proposition of the noble Earl. One was the application of outdoor relief in times of pressure, and another was the administration of the poor-law by means of vice-guardians. It appeared to him that the adoption of the principle of outdoor relief was a most dangerous one, generally speaking; and he wished to protest most strongly against the supposition or the principle that it might or ought to be safely adopted on the score of economy. Higher questions than those of mere money were involved in that consideration. Some had advocated the principle of outdoor relief, because, as they said, they could afford a relief at a cost of 2*s.*, which would cost 5*s.* in a workhouse; but, for his part, he confessed that, as a landlord, he would prefer a greater expense on a system of indoor relief, to a lesser on a system of outdoor relief, because he considered the practical social effects of the latter would be to strike at the root of industry, open the door to frauds, and render the administration of the poor-law almost impossible.

Motion agreed to.

House adjourned to Monday.

HOUSE OF COMMONS,

Friday, May 4, 1849.

Minutes.] Public Bills.—1° St. John's, Newfoundland, Rebuilding; Grants of Land (New South Wales).

Petitions Presented. By Mr. Willcox, from Leamington, for the Clergy Relief Bill.—By Mr. Halsey, from Essenden, against, and by Mr. Stuart Wortley, from Nottingham, in favour of, the Marriages Bill.—By Mr. Elliot, from the County of Roxburgh, against the Marriage (Scotland) Bill.—By Mr. James Duff, from Strathbogie, against the Sunday Travelling on Railways Bill.—By Mr. Heywood, from Havergham Eaves, respecting the Lancashire County Expenditure.—By Mr. Cobden, from Heptonstall, for the County Rates and Expenditure Bill.—From the Newmarket Railway Company, respecting Taxation of Railways.—By Sir Henry Meux, from several Places in Hertfordshire, for Agricultural Relief.—From Bath, for Relief to Agriculture in Ireland.—By Mr. Moffatt, from Clifton Dartmouth Hardness, for the Bankrupt and Insolvent Members Bill.—By Sir E. Buxton, from Walton, for Encouragement to Schools in Connexion with the Church Education Society for Ireland.—By Mr. Slaney, from London, for the Establishment of Home Colonies.—By Mr. Wyld, from Westminster, for Prohibiting Interment in Towns.—By Mr. Home Drummond, from Perthshire, against the Lunatics (Scotland) Bill.—By Mr. Cocks, from Croydon, complaining of Grievances affecting the Medical Profession.—By Mr. Tenison, from Leitrim, for an Alteration of the Poor Law (Ireland).—By Mr. Cayley, from the Stokesley Union, for a Superannuation Fund for Poor Law Officers.—By Mr. W. Miles, from Shepton Mallet, against the Public Roads (England and North Wales) Bill.—By Mr. Mackenzie, from Peeblesshire, against the Registering Births, &c. (Scotland) Bill.—By Mr. Farrer, from Darlington, for an Alteration of the Sale of Beer Act.—By Viscount Palmerston, from Tiverton, for the formation of Treaties by which International Disputes may be decided by Arbitration.

INTERMENT IN TOWNS.

Lord D. STUART said, that some doubt existed with regard to the answer given the other night by the Home Secretary to the question of the noble Lord the Member for Bath in reference to burial in towns; and he (Lord D. Stuart) therefore begged leave to request an explicit answer to the question, whether it was the intention of the Government to introduce any measure during the present Session, with the view of prohibiting interment in towns?

Sir G. GREY said, what he stated in answer to the noble Lord the Member for Bath was, that a Bill was in course of preparation on the subject of burials in the metropolitan districts. The question of extending the provisions of the measure to other large towns was still under consideration. He could not say when the Bill would be introduced.

Lord D. STUART wished to know if the Bill would be brought forward during the present Session?

Sir G. GREY could not state positively, but he had every reason to believe that it would.

Subject at an end.

NAVIGATION LAWS.

Sir H. WILLOUGHBY begged to ask the right hon. Gentleman at the head of the Board of Trade a question which he must be allowed to preface by reading a portion of a speech reported to have been delivered on Tuesday last by Mr. G. F. Young. The following was the statement to which he referred:—

> "I now come to the position in which the measure is placed at the present instant. Uncalled for as the measure must be considered, and although it is not only unsupported by, but is in direct opposition to, public opinion, Her Majesty's Government did not hesitate to take the most extraordinary means for the purpose of pressing it through the Legislature; and in confirmation of this statement, I can state a fact to the meeting which will, I think, surprise them not a little. The Provost of Montrose, who had come to London with a deputation to oppose the progress of the Government measure, waited on his representative, Mr. Joseph Hume, and urged on him the palpable inconsistency of his supporting a Bill such as that, which was diametrically opposed to the principles of free trade, of which he had always been a strenuous supporter. Now, what do you think was the reply of Mr. Hume? This occurrence, I may observe, took place yesterday week, the day on which the House of Commons divided on the third reading of the Bill. Mr. Hume said, 'You need not be alarmed. I was with Mr. Labouchere for an hour on Saturday last, and I told him that I, with several of my friends who entertained conscientious scruples upon this question, could not support the third reading of the Bill, as being inconsistent in its provisions with the principles which we have always held; and the reply I received from Mr. Labouchere was, Do not be alarmed. If you and your friends support the third reading, the Government will next Session bring in a Bill to repeal those very clauses to which you object.'"

The question he wished to ask the right hon. Gentleman was, whether there was any truth in this statement?

Mr. LABOUCHERE trusted, it was unnecessary for him to assure his hon. Friend and the House that the story, so far as it concerned himself, was utterly without foundation. The House would not be surprised at a misapprehension on the subject, when he said that this account of a private conversation between the hon. Member for Montrose and himself, was said to have been repeated by him to the Provost of Montrose, who repeated the same to Mr. George Frederick Young, who in turn repeated it to the meeting. No doubt the truth had somewhat suffered in the transit. He (Mr. Labouchere) had never said anything to the hon. Member for Montrose which could by possibility have been construed into anything like the version given by Mr. George Frederick Young. Mr. Hume was unfortunately unwell, and unable to attend the House; but he had received a note from him, stating that the story was altogether incorrect. The only ground he could imagine for the report was thus: He had had many conversations with Mr. Hume and other Members concerning this Bill, and had been urged by them to take the opportunity of settling the light-dues and other questions; and he had stated his opinion in reply, that this would be a most improper occasion to arrange matters of such magnitude, but at the same time agreeing that, if this measure passed, it would become the duty of Government and Parliament in a succeeding Session to apply themselves to those questions. That, perhaps, might be the foundation for the statement, the accuracy of which he denied altogether.

Subject at an end.

LAND IMPROVEMENT AND DRAINAGE (IRELAND).

The House having resolved itself into a Committee of the whole House,

The CHANCELLOR of the EXCHEQUER rose and said, that during the recent protracted debates on the Rate in Aid Bill, the state of Ireland had been so fully discussed that he should not feel it necessary to say much on that subject in prefacing the resolution which he had to submit to the Committee. He confessed, however, that with a few exceptions, the real state of the country had hardly been sufficiently adverted to. In the anxiety of some hon. Members for certain amendments in the poor-law, the real destitution of a large population in the west of Ireland had almost entirely been lost sight of; whilst, on the other hand, those who were unwilling to consent to further advances to Ireland also lost sight of the immense extent of starvation which existed, and the numbers of people on the verge of famine. He was quite sure that the House would regret it if no attempt was made by it to apply some remedy to this state of things. Believing, therefore, as the Government did, that such was the state of a great part of the west of Ireland—and he referred in his observations almost exclusively to the western districts of that country—it was their duty in the first instance to provide means, either by grant or advance, to prevent the fearful calamity of the starvation of many thousands. The Government, at the commencement of the Session, believing such to be the state of the people in the west of Ireland, took steps to avert the danger, first, by procuring a grant of 50,000*l.*, and, subsequently, by bringing forward the Rate in Aid Bill, on the credit of which a further advance of 100,000*l.* might be obtained. Other measures had already been presented to the House relating to encumbered estates, and to the amendment of the poor-law; and the proposal he was now about to make was for the advance of money for the improvement of the condition of a portion of Ireland, and for the employment of a portion of the Irish people, in a manner which would tend to preclude the necessity of eleemosynary aid, and improve the state of the labouring population, as well as benefit the estates on which they were to be employed. Before, however, going into the details of the proposal he was now about to make, he wished to say a very few words on the present state of Ireland. He entirely differed from those hon. Gentlemen who seemed to conceive that all at once, by legislative measures, the whole state and condition of Ireland might be changed. Nobody acquainted with that country could fail to see that the change required was a total change of the social system—of the habits, and of the ways of acting and thinking, in all classes of the population. That change could not be effected in a moment, and it could not be effected by the Legislature, though the Legislature might aid in bringing it about; but such a change, produced in course of time, he believed to be essential to the prosperity of the country. At the same time, he thought that no view could be more mistaken than to despair of the amendment of that part of the country to which he referred; and he believed that those who held out the expectation of brighter prospects for it formed a more correct judgment of the state of affairs. No doubt a bitter period had been gone through in the last two or three years, and great suffering still existed in many parts of the country; but bitter as the lesson had been, he believed that the adversity which had been experienced, would prove ultimately to have been the best school for improvement. Hon. Gentlemen must be aware that one of the chief evils in Ireland had been the number of small tenants living on a bit of ground, and clinging to the land with the greatest obstinacy. All attempts to get rid of that system had hitherto failed; and he confessed he doubted whether anything short of what had happened could have removed that cottier tenantry from the land, and rendered those who owned the land the masters of their own estates. But it was not to be denied that the change which had been effected had been attended with fearful calamities. It was notorious that, till a recent time, the rent of the landlord depended on the number of his tenantry; the landlord depended on the middleman, the middleman on the tenantry, and the tenantry on the potato; and when the potato went, therefore all those classes suffered. He had on a former occasion read a remarkable extract from a communication from a poor-law inspector in Ireland, pointing out the necessary consequences of such a system; and he would now read a quotation from a report made by Captain Kennedy, on the 22nd of January, in reference to the Kilrush union, which conveyed in a short and conclusive manner the nature of the accounts received from many parts of the country. Captain Kennedy said—

> "The facile mode by which the landlord or middleman hitherto obtained exorbitant rents, and the labourer or peasant a wretched subsistence, has unfitted each for energetic exertion. The greater portion of this union was essentially a potato country, yielding the most prolific return. The peasant's life was passed in planting his potatoes in spring, digging them up in autumn, and dozing through the winter over the turf fire which

cost him nothing. His potatoes are now gone, and with them his pig and means of buying clothing. He must now go naked and starve, unless he gets employment or gratuitous relief. The means of the occupiers are, I cannot doubt, much exhausted by paying a potato rent for land that will no longer grow them. Those who have means are, from various causes, averse to lay out the capital necessary to the successful growing of other crops. Of the proprietors there are but few resident—I cannot speak of their means—I only know that there has not been any amount of poor-rate levied in this union seriously to injure them; no more than any man of common humanity ought voluntarily to bestow in disastrous times. That they are, generally speaking, embarrassed, I fear is a melancholy truth, and goes far to account for the existing want of employment and consequent destitution. The destitution in this union is a mighty and fearful reality; it is in vain to strive to falsify or forget its existence; yet no combined effort, and hardly an individual one, is made to alleviate or arrest it. A few philanthropic individuals continue to afford their mite of relief and employment, but their example is not taken. There is a general lack of energy; the better part of the community seem, for the most part, as apathetic as if the country were comparatively prosperous; while demoralisation, disease, and death are spreading like a cancer. I see the masses of the people starving, and the land, which could be made to feed treble the number, lying all but waste. I think an amount of rate sufficient to keep the union for three months between this and harvest could with difficulty be levied. This leads me to the inquiry, what are the precise causes of the destitution existing in this union? Simply, want of employment and wholesale evictions, and the land being left scarce half tilled. Why naturally fine and fertile land should be left undrained and unimproved, when hundreds of labourers can be had for 4*d.* or 5*d.* per diem, and many for their food alone, is difficult to understand."

That he believed to be a faithful picture of the state of Ireland, and it was confirmed by various other reports. It was obviously a state which no legislation could possibly remedy. They might indeed facilitate the sale of some of those estates which were so encumbered that the proprietors were without means; but to imagine that any law could relieve the condition of the whole population, was to suppose that to be possible which no law could possibly effect. Obviously what was wanted was the employment of capital by those who were willing to employ it; and, so far as the Government could, they were ready to supply capital to some extent to those who were anxious for it. What he had now referred to was no doubt the dark side of the picture; and he was happy to say that, looking to other parts of the country, there were many symptoms of an amended state of things, which might infuse hope even into the most desponding—symptoms of an amendment appeared to him the most wholesome of all—of individual energy and individual exertion. He could not give a more striking instance of such exertion than that to which he had formerly referred, of the manner in which the Earl of Lucan had, in Mayo, removed a number of the people by emigration, employed others in throwing together farms, and was introducing an improved system of agriculture. But even in other parts of the country there were many similar instances to be found. The right hon. Baronet the Member for Tamworth, in that remarkable speech which he made some weeks ago, alluded to a gentleman, the brother of the hon. Member for Leicester, who had taken a quantity of waste land in the Clifden union, with the view of cultivating it on the English system. He had also heard that another member of the Society of Friends had taken a large farm, in the same neighbourhood, and he must say that the exertions made by the members of that society were most laudable. Their efforts had been conducted in the most exemplary and praiseworthy manner; and they were deserving of all possible credit not only for their humanity and the interest they had shown in the improvement of that country, but for the practical good sense with which they had always acted. He had also heard that in another of those western counties, three farmers of Norfolk had accepted terms which were beneficial both to the landlord and themselves; and he had heard, from a gentleman in Mayo, that other parties had been in treaty with him for the purpose of introducing an improved system of cultivation. He would now refer to another union which had obtained some celebrity in Ireland—the union of Ballina, which had hitherto been considered to be in the most hopeless condition. The Committee might remember that in one of the papers laid on the table early in the Session, it was stated by Col. Knox Gore, that the extent to which the tenantry had emigrated was so great that a large quantity of the land was lying waste for want of labourers. He found also, in a letter addressed to the Poor Law Commissioners, by Colonel Vaughan Jackson, in January last, the following passage:—

"In the Ballina union I hope the worst is arrived or passed. In the Ballina union, emigration, through money sent from America, has had an important influence in relieving pressure. On one day in November, twenty-nine persons left the parish I lived in for America; on another day, within a short period, nineteen left. In the winter of 1846-47, masses went to America; they have sent, and are now every day sending, for their friends and kindred. In the Ballina union, arterial and other drainages, and employment given by the gentry, largely assisted the poor."

Such was the opinion of that gentleman in the month of January, when he thought they had at length arrived at the worst. He had received a letter yesterday from Mr. Burke, one of the inspectors in the Ballina district, in respect to this union, the contents of which he was sure would be heard with great satisfaction by the House:—

> "It has been my duty so frequently during the past two years to report, in unfavourable terms, of the prospects of the county of Mayo, and especially of the Ballina union, that I feel peculiar pleasure in being at length able to state to you that, in my opinion, there appear to be some signs of improvement in this district, and that the alarm and despondency which have heretofore paralysed almost all exertion, seems to be giving way to a feeling of hope, which is leading to increased industry and energy. During the last week I have had opportunities of observing the general appearance of the country in this union, and of conversing with persons competent to form a just opinion of the state of affairs, and I have arrived at the conclusion that a spirit of activity prevails throughout the greater portion of it, und that strenuous exertions are being made by all classes to draw out the resources of the soil, and increase the means of support. Much of the land which during the last year remained uncultivated is now under tillage, and anxiety is shown to invest capital and labour in the improvement of land, where before the greatest apathy prevailed. All accounts that I have received agree in representing that more land has been sown with corn than during the past year, and a very considerably larger quantity of potatoes has been planted than is usual at this early season. In several instances I have heard of farmers increasing the size of their holdings, and becoming tenants of unoccupied farms adjoining their own, and, in some cases, land has been taken by persons from a distance, who are investing their capital in its cultivation. I think, also, that I can perceive that a better and more careful mode of husbandry is gradually being introduced, and, calculating upon a certain amount of turnips, and other green crops, being sown at a later period, when the time for their operation shall arrive, I think we may hope to see a very great change for the better in the appearance of the country at the next harvest. These results have been arrived at during a period when money has been peculiarly scarce; and I think it affords just grounds for hope that, if the produce of the crops now planted shall prove ordinarily good, the increase of food and wealth which it will occasion will lead to renewed exertions in the same direction in succeeding years. And these exertions, which have now produced but little corresponding benefit to the labouring classes—for in consequence of the poverty of the small farmers, their agricultural operations have been chiefly executed by themselves or members of their own family—yet hereafter, when their means are increased by the return of their present labours, the effect will undoubtedly be felt by the labouring classes, whose assistance will be required to carry on the work which has now been commenced."

That was one of the most satisfactory accounts he had yet received from Ireland, for it showed that in one of the worst districts individual exertion had gone far to remedy the existing evils, and the anticipations of a gentleman well acquainted with Ireland of an improved state of things had been fully borne out by subsequent experience. He would here state, with regard to some measures which had been suggested for securing the more efficient administration of the poor-law, that perhaps hon. Gentlemen were not aware that there were at this moment forty-three temporary inspectors employed almost exclusively in the west of Ireland, under whose superintendence the poor-law was administered, without whose application no sums had been advanced, and without whose sanction no money could be applied to the relief of the unions, so that there was every security for the economical distribution of the funds. He wished now to state, that it appeared, from all he had heard, that what was now most necessary was employment for the people. He believed that the time would come when the means of giving that from private resources would be adequate, and he believed that it would be well worth while for this country in the mean time to make limited advances for that purpose, in order to foster the industry of the country, and by setting an example of the wholesome improvement of the land to show what advantages might be derived from pursuing such a course. The first purpose for which he proposed to ask the Committee to consent to an advance of money, would be under the Land Improvement Act, which he believed would provide the most wholesome mode of employing it. In that case the natural relations between master and labourer, and between landlord and tenant, were entirely preserved, and the interference of the Government was as small as possible—merely to see that the money was duly paid according to law, and that the works were properly executed. The landlord employed his own labourers, and the wholesome state of relation between landlord and tenant was maintained unimpaired. He would state very shortly what the effect of that measure had been up to this time. The amount of advances applied for was 3,074,000*l.*, and the amount sanctioned was about half that sum, 1,544,000*l.* There had been given up by various proprietors loans to the amount of 112,000*l.*, and there had been re-sanctioned loans to the amount of 59,000*l.*, so that sums were now sanctioned and allocated to the amount of 1,491,000*l.* —leaving a reserve of about 9,000*l.* Of the whole sum there had been issued 548,000*l.*, and therefore there remained as a fund for the employment of labour during the three or four ensuing years 952,000*l.* It was proposed by the vote of that evening to increase that sum by 300,000*l.*, which would give 1,252,000*l.* as the total sum to be employed in that manner. An hon. Gentleman stated some time ago that the distressed counties had derived little or no advantage from that source. The hon. Gentleman found afterwards that he was mistaken, and he (the Chancellor of the Exchequer) would now state what those distressed counties—principally the counties west of the Shannon—actually had received. Applications were made by them to the extent of 1,600,000*l.*; and loans were sanctioned to the amount of 800,000*l.* Moreover, of the actual issue, which amounted to 548,000*l.*, more than one half, 265,000*l.*, had actually been issued to those counties. He had stated that the greatest benefits had been derived from the expenditure of money in that way. The inspector of Tipperary, Clare, and King's County reported that—

> "In no part of the world is steady employment, even at the lowest rate of remuneration, more highly appreciated than in this district; and the employment provided by the Land Improvement Act is now peculiarly valuable, when the country is in a state of transition between the old vicious system of paying the labourer, not in cash, but by making him a sort of jobbing farmer, working under an oppressive rack-rent, to the more correct arrangement of giving him steady employment and regular payment in money wages. Heretofore the lands were in the hands of the class called "farmers," but who had never expended one shilling in either draining or deepening the soil; they confined their exertions to planting and digging out potatoes, or herding a few head of cattle. Owing to the failure of the potato they became destitute, and numbers would have perished were it not for the employment afforded under the Land Improvement Act. In many instances lands, which three years ago were not worth 2*s.* 6*d* an acre, are now good value for 10*s.* either for tillage or pasture."

He would read one more extract, because it was a very striking one, relating to the county of Leitrim:—

> "Out of a great number which have come within our knowledge, we shall quote one decisive example of the pecuniary advantage derived from thorough draining. The townland of Gortreas Keagh, in the county of Leitrim, the estate of Mr. James Whyte and Lieutenant-Colonel J. J. Whyte, which contains 175 acres 1 rood 33 perches of arable land, and 12 acres 1 rood 25 perches of bog, making altogether 187 acres 3 roods 18 perches, was, previously to draining, let in small tenements to a number of poor tenants for the sum of 125*l.* 12*s.* 6*d.* per annum; the tenants were removed either by emigration or transference to other lands, and subsequently the sum of 805*l.* 11*s.* 10*d.* was expended on improvements, the interest on which, at 6*l.* 10*s.* per cent per annum, amounts to 52*l.* 6*s.* 6*d.* When the works were completed the lands were re-let at a rent of 206*l.* 9*s.* 1*d.*, being an increase on the original rent of 80*l.* 16*s.* 7*d.* per annum, or 10*l.* per cent on the outlay."

On this part of the subject he did not think it necessary to state more, to show the advantage to this country of the improvement of Ireland, as well as the advantage to the labourer and the landlord in Ireland from that species of employment. He proposed, therefore, to take for that purpose an advance of 300,000*l.*, and to place it at the disposal of the loan commissioners for the purpose of being advanced to the landlords, to enable them to improve their estates under the Land Improvement Act. He now came to another purpose for which he proposed that an advance should be made, and that was for the promotion of arterial drainage. Upon this subject there certainly had been no inconsiderable misconception of the intentions of the Government, and as there had been very great disappointment expressed that there had not been an unlimited supply of money from the Exchequer, he would state what the intention of the Government originally was. [Mr. F. FRENCH: We want nothing of the sort.] Not want it? He could only say that every day for the last three weeks he had had applications from Ireland upon the subject. It was not the original intention that it should rest upon the Government to find the funds for river drainage; and, accordingly, up to July, 1847, the advances made by private parties amounted to 127,000*l.*, and no more than 36,000*l.* had been advanced from the public resources. In that year of great distress, it was found that this species of undertaking presented the easiest mode of setting the people to work in the existing circumstances of Ireland, and the sum of 370,000*l.* was voted accordingly, it being distinctly stated to be to find employment for that year. Now, very great fault had been found with the conduct and management of the Board of Public Works; but Gentlemen must remember that, in 1847, works were undertaken in many parts of Ireland with a view to affording relief in the manner which was at that time adopted—works which would not have been undertaken but because it was desirable to give general employment in distressed districts. Cases had occurred in which, in consequence of the improvement of the stream above, the banks of the lower part of a river were flooded. In 1846 it was thought so desirable that works of this description should be undertaken, in order to afford relief, that the then Secretary for Ireland introduced the Summary Proceedings Bill, with a view to facilitate the previous survey, and to allow of works being undertaken without going through the long process of survey theretofore necessary; and the consequence was that an insufficient survey and estimate were sometimes made, in order to avoid delay in providing for the unemployed and destitute labourers, and that upon more careful inquiry it was found that increased expenditure was necessary. But still, when the House heard what was the amount of expense, after all, they would hardly say that it was so very heavy. As to the whole of the engineering staff, it had in no instance exceeded 5 per cent upon the outlay on the works completed. Two or three statements furnished to the Government upon this subject, would best show the result of this river drainage, which was the foundation of all subsequent improvements, for it was impossible for landlords to drain their land properly until there were sufficient outlets. To take, first, a general statement. One of the commissioners reported:—

> "A lively and gradually diffused sense of the benefit is evidenced by the tenants opening up their minor drains, spreading the soil from the cuttings on their land as top-dressing, and tilling the reclaimed land. In some cases those low lands which were formerly subject to frequent and destructive floods are already thorough-drained, and fine crops are at present growing on lands which could not formerly be calculated upon as affording even a coarse meadow."

That was the general report. He would now read an account of three drainages which had been quite completed. The first was the Blackwater:—

> "Land upon which, previous to the drainage, grass was cut to be used as litter, was let in 1848 at 5*l.* per Irish acre. Other lands in this district which were used as grazing in the year 1848, after having fed what was considered a full quantity of cattle during the season, yielded so abundant a produce that the cattle was unable to eat it down, and the occupier had it mowed in August, and estimated that he would have a ton and a half of hay per Irish acre, in addition to feeding his cattle during the season. In addition to the above, there have been wheat, oats, turnips, potatoes, cabbages, and mangoldwurtzel, grown on lands which, a few years ago, were under floods for half the year. For the improvement effected, the proprietors will have to pay about 5*s.* per acre for 20 years."

The hon. Member for Roscommon could hardly complain of the cost of that. The account of Oranhill district, in the county of Galway, was as follows:—

> "A quantity of flooded land, which was let to tenants at will for 15*l.* per annum, and which in the most favourable season previous to the drainage works would not produce more than 30*l.*, was given up to the landlord from the uncertainty of getting anything off it. It now produces 150*l.* for the season's grass, and some of the adjoining tenants estimate the produce at 200*l.* at least. For the improvements effected, the proprietors will have to pay 5*s.* 6*d.* per acre for 22 years. Some of the lands of the district which have been frequently under floods for 10 months in the year, had, amongst other crops in 1848, a crop of white carrots, which the owner valued at 20*l.* per Irish acre after all expenses of cultivation were paid."

Let one more case be taken, for it was right, when the House was asked for further funds for this purpose, that they should hear to what extent the funds already advanced had benefited the country, and at how small expense to the landowners. This is the account of the Borrisokane district:—

> "The flooded lands of this district have almost all been cultivated before the works were completed, and had crops of oats, rape, potatoes, turnips, golden pleasure cabbages, on them. Two men, holding jointly about 35 acres of land that was in a very bad state previous to the works, stated that the first year's crops of oats and rape would more than pay the entire sum chargeable to their lands, although one-half the lands, subject to floods, was not cultivated. Many of the occupiers admitted that their crops of rape cleared from 15*l.* to 25*l.* per Irish acre, and this on land that could never, before the drainage works, be cultivated. A portion of this land was valued at 2*s.* per acre previous to drainage; was taken by lease, after the drainage, at 13*s.* per acre; and the tenant then thorough-drained and fenced it, and had turnips and oats on it in September, 1848. The annual sum to be paid for the improvement effected on these lands will be about 5*s.* per acre for 20 years, when the whole debt will be paid off."

He must say, in spite of all the statements made against the Board of Works for the mode in which they administered these funds, and executed the works, under the extraordinary circumstances of the last two years, he did not think that the expense was such as to frighten proprietors from carrying on these works. He should propose to the House to advance a further sum of money for the carrying on of arterial drainage. He had obtained from the Board of Works an account of the works commenced in the distressed counties in Ireland, those for which the preliminary proceedings had been completed, and a similar return for the remainder of Ireland; and what he proposed was, to advance this year the sum which they reported could be expended upon those works which had been commenced in the distressed counties, and also the sum which would be required this year upon those works in the same counties which had not been commenced, but the preliminary proceedings for which had been completed; and as to the other parts of Ireland, he proposed to advance a sum equal to one-half of what could be expended in the year on those works which had been actually commenced. In those parts of Ireland which were not considered distressed districts, there were many works that had been commenced and were now stopped for want of funds, and the stoppage of which works was most prejudicial not only to the country around, but to the works themselves; and at the same time it was not fair that we should be called on to do that which was contrary to the spirit of the Act—supply the whole of the funds. He meant, by "the distressed counties," Mayo, Galway, Clare, Roscommon, Leitrim, Cork, Cavan, Kerry, Sligo, Limerick, part of Longford, Westmeath, King's County, and Tipperary. The whole sum which he believed could be advantageously expended in the course of this year upon these works amounted in round numbers to about 270,000*l.* An Act was passed last Session enabling the Government to reissue sums repaid by counties on account of the relief works, and to that extent it was not necessary to ask Parliament for a vote; the total repayments which had been made to the Paymaster of Civil Services under the various Acts passed since 1846, amounted to 300,000*l.*, of which the sum of 100,000*l.* was reissuable under last year's Act; a portion of it might be required for completing other works, but he was inclined to think that a very large portion of it might be available for this river drainage. He proposed, therefore, to ask only 200,000*l.* for this purpose, which, with the money thus reissuable, would, he believed, more than provide the sum that could be expended this year. These were the votes he had to propose: to add 300,000*l.* to the funds at the disposal of the loan commissioners for the purposes of the Land Improvement Act, and to advance 200,000*l.* for the purpose of river drainage, applying to this latter purpose also a further sum reissuable under the Act of last Session. He had intended to apply for a vote for the Great Western Railway, feeling that it was of the utmost importance to facilitate the means of communication in the district; but the state of the arrangements with the parties concerned made it proper to delay this till there had been further communication with them; the intention was postponed, not given up. He had only to add that he believed the introduction of the mode of employment which the proposed measures would encourage, to be one of the most essential steps for the regeneration of Ireland. The right hon. Gentleman concluded by moving—

"1. That the Commissioners of Her Majesty's Treasury be authorised to direct the advance of sums, not exceeding in the whole 300,000*l.*, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for the purposes and under the provisions of any Act in force to facilitate the Improvement of Landed Property in Ireland by the owners thereof.

"2. That the Commissioners of Her Majesty's Treasury be authorised to direct the advance of sums, not exceeding in the whole 200,000*l.*, out of the said Consolidated Fund, to be applied by the Commissioners of Public Works in Ireland, for making Loans under the provisions of any of the Acts authorising the said Commissioners to make advances for the extension and promotion of Drainage and other works of public utility in Ireland,"

Mr. W. O. Gore said, the Chancellor of the Exchequer had taken great credit to himself for the advantages that Ireland had derived from the system of drainage. He (Mr. Gore) held in his hand a return which had been made to him by a surveyor who had measured the length, depth, and breadth of the drainage of some lands of his, which were not very wet, but required some drainage, in the county of Leitrim. The quantity of land drained was 6 acres and 20 perches, and there was a claim made upon him by the Government for this drainage of 200*l.* Now, this was a specimen of the excessive advantage that the Government had conferred upon Ireland, and this was what they claimed credit for —200*l.* for 6 acres and 20 perches. The drains were 2 feet 6 inches deep, and 1 foot 2 inches over, and the cost amounted to 32*l.* 13*s.* 1¼*d.* per acre. He would say no more than that the work was executed by the Government's own officers, and that they had never been interfered with in any way whatever. [The Chancellor of the

Exchequer: Was that under the Land Improvement Act?] It was under the Drainage Act.

Mr. F. FRENCH thought the right hon. Gentleman the Chancellor of the Exchequer had not fairly dealt with this question. No one felt more alive than himself (Mr. French) to the advantages derivable from a judicious system of drainage; but he would appeal to the House whether this plan of the Government, which would involve an outlay of at least 5*l.* per acre, could be otherwise than ruinous to those who should be so foolish as to accept a loan from the Government for the purpose of land improvement. He would undertake to prove that 30*l.* out of every 100*l.* advanced for arterial drainage was lost to the landowner by the mismanagement and unfairness of the Board of Works. He could set forth many instances in which landowners, after having applied for advances, refused to accept them in consequence of the extraordinary and extravagant estimates of the Board of Works, to whom the Act assigned the entire control over and expenditure of the money advanced. There was one instance in which a landowner who applied for an advance of money, was told by the Board of Works that their lowest estimate to effect his object was 1,800*l.* He refused to accept it, and subsequently effected himself, by means of a private loan of 800*l.*, greater improvements than were contemplated by the Board of Works for a cost of 1,800*l.* He (Mr. French) could quote many similar instances. His right hon. Friend the Chancellor of the Exchequer, at the commencement of his speech, admitted that the landlords of Ireland were bankrupt, and that the tenants were starving, and yet he now came forward with a proposition which was calculated to still further depress rather than benefit Ireland. That country had been going from bad to worse for many years, and all the plans of improvement which the Government could suggest were injudicious loans and rates in aid, which directly counteracted the development of Ireland's resources. If England had been treated as Ireland had been by English statesmen—if a heavy incubus had been placed upon England in the time of Henry VIII.—could any one pretend to say that England's prospects would not have been blighted like those of Ireland? England would never have been the country she now was if her statesmen had dealt with her as Ireland was now being dealt with by the British Parliament. His right hon. Friend the Chancellor of the Exchequer had boasted of the many letters which he had received from the west of Ireland, couched, as he represented, in glowing terms, as to the future prospects of that part of the country. But he (Mr. French) could not find in the extracts read from those letters anything more than vague expressions as to the writer's "hopes of reviving prosperity." He would tell his right hon. Friend that he laid too much stress on those hopes, for they were founded only on the chance of an abundant potato crop. The people of Ireland had risked everything on the potato; and if that root failed them this year and the next, the famine would be tenfold more severe than Ireland had experienced during the last few years. The Chancellor of the Exchequer had spoken of works executed by the Government commissioners at Borrisokane; and he (Mr. French) wished to call his attention to this fact. The estimates of the Government commissioners for those works amounted to 3,486*l.*, but 6,612*l.* had been already expended, and 500*l.* more was required to finish them. He sincerely wished that he could, on the part of himself and of Ireland, thank the right hon. Gentleman for the measures which he had introduced for the amelioration of Ireland; but justice compelled him to tell the right hon. Gentleman and his colleagues that Ireland was being ruined by their policy; and that they had utterly failed in their duty in not proposing some great and comprehensive measure, calculated to grapple with the evils. The measures which they had proposed only placed additional burdens upon the landlord and tenant classes, which it was impossible for them to bear. The state to which the country had been reduced was almost beyond belief. A Roman Catholic dignitary writes—

> "To attempt anything like a true description of the universal misery that prevails, would be futile; I have no heart to do it, nor can I say I know one hundredth part of the misery that exists, or the number of deaths that are daily and hourly taking place—one of my curates gave the same morning the last sacrament to thirty-seven persons in the auxiliary poorhouse, and remarks, 'I have four curates.'"

Another clergyman writes—

> "Awful as was the destitution of the poor for the last three years, comparatively speaking, their state was good to what it is at the present time; to form a correct estimate you should witness the squalid misery and wasted forms of our starving and half-naked poor. All persons are

disgusted with the puerile and bungling policy pursued by the present Government relative to the affairs of Ireland."

Mr. Brett, the county surveyor of Mayo, states that the infants and children "seem almost like animals of a lower class; they are wasted and wan." He states, the entire county of Mayo to be in a state of insolvency—that the unencumbered properties are not only unable to give employment, but suffering great privations themselves. Would this state of affairs be allowed to continue in England? And why had not the Chancellor of the Exchequer assisted those gentlemen on the same principle they had at various times, by the public credit, supported and got through their difficulties the commercial, manufacturing, and agricultural interests of England? Had he attended to the representations made to him on this subject, a famine, which he (Mr. French) feared was inevitable in 1850, would have been avoided. The hon. Gentleman then quoted at considerable length, from a pamphlet recently published by Mr. Eneas M'Donnell, on the present condition of the land, &c., of Ireland, from which it appeared, that in a district in the county of Mayo, not less than 50,000 acres of available land had become entirely waste during the last two or three years, because the proprietors, encumbered or free, had no means of cultivating it. Had such a case occurred in England, Parliament would immediately have furnished the proprietors with ample means for the cultivation of the soil and the employment of the tenantry. The whole county of Mayo was in a state of hopeless insolvency, and, in a little time, every one who had the means would fly from that scene of desolation. But if the Government afforded sufficient means, there were still abundant natural resources for the support of a dense population. There was an inexhaustible supply of fish upon the coast; turbots, that would feed ten or twelve people, could be purchased for 6*d.*; but in consequence of the want of means of conveyance to a distant market, the fisheries were of little service to people of that district. In order to give them some idea of the afflicting condition of Mayo, he might mention that a gentleman, one of the largest landed proprietors of that county, had recently traversed districts, on which, twelve years ago, might be seen flocks to the value of 200,000*l.* The same district now presented a wild scene, on which not a living creature could be seen. Even one of the commissioners of the Government reported that Ireland now presented scenes on which no humane man could look unmoved. But, as that commissioner had reported, there were still sufficient resources in Ireland to give ample support to her people, if encouragement was afforded to the development of those resources. He (Mr. French), was of the same opinion. All Ireland required was not loans, but that England would take off her heavy hand from her, and permit her unrestricted to develop her great natural capacities. There were now vast districts in Ireland in which no tenants could be procured for the cultivation of the land; and notices of surrender were continually pouring into the hands of the landlords. Mr. Kincaid, in his evidence before the Select Committee of the Lords, states that he has in Roscommon, Sligo, and Mayo, several thousands of acres of the best grass land, upon which there is no arrear of rates due, and yet for which it is impossible to obtain tenants. The tillage farms are invariably thrown on his hands in a very deteriorated condition, full of weeds and exhausted. The House of Barrington and Co. have 400,000*l.* worth of property on sale, and are unable to find a single purchaser. Under these circumstances, Mr. Kincaid thought the class of magistrates and grand jurors would be utterly swept out of the country. The Catholic clergy themselves had began to despair of the country, and within the last few days, the Rev. Mr. Maher, a priest, residing in Carlow, in one of the best districts in Ireland, had announced his intention of leading a monster emigration, and had declared that his brethren were ready to co-operate in similar projects. The hon. Gentleman then proceeded to say, that this Government drainage scheme was nothing more than a most prejudicial delusion. The loan commissioners were the sole judges as to the proper sum to be expended on the improvement of the land, in respect of which a loan might be asked. To them was given the entire and exclusive control of the expenditure of the loan; and they had exceeded their own estimates, by as much as 3,000*l.* in an estimate for 8,000*l.* It must also be recollected that one-half the proprietors of a district could compel the other half to concur in the obtaining of an arterial drainage loan, and to pay their quota of whatever sums the Board of Works might require—their lands within a mile of the works being liable for the costs equally with those immediately benefited. In the transaction, the Board of Works were the designers and executors, the contractors and the auditors; they planned the work to be done, and appointed their own officers to do it, and had despotic power to enforce the payment of charges the most exorbitant and unnecessary. In addition to these objections, it was his opinion that the gentry had received a lesson which would prevent them from availing themselves of the proposed loans. They had found that their only effort was to sink the proprietors deeper into embarrassments; and it appeared from the evidence of Mr. Hamilton, and was, indeed, notorious, that lands drained and improved, could not be let. "I have spent 15*l.* an acre," said Mr. Hamilton, "upon land, and much of it is lying totally unproductive." In conclusion, he protested against a continuation of the tinkering loan policy, which but held up Ireland to public view as a perpetual beggar. She could live upon her own resources, if she was permitted freely to use them: that she was not so permitted was the fact, and would be proved by going into the account of taxation between the two kingdoms. The noble Viscount the Member for Downshire had demonstrated the state of that account; and he trusted it would be held in mind, that in doing so he had shown that while England paid to the State 3*s.* in the pound, on a value of 100,000,000*l.*, Ireland was forced to pay 8*s.* on a depreciated value that now is little over 9,000,000*l.* By going a little further, it would appear that on the whole revenue of the empire, England paid 52,000,000*l.* on a value of 250,000,000*l.*, while Ireland contributed 5,000,000*l.* on a value of 20,000,000*l.* As to the railroad proposition, he would only now say, that the loan proposed was contrary to the principles laid down by the Government; and, as they proposed it, would be of no manner of use.

MR. VERNON SMITH said, that he was not going to offer any observations either in opposition to or in approval of the proposition made by his right hon. Friend the Chancellor of the Exchequer; but there were a few points on which he thought it desirable that some explanation should be offered. He should like, in the first place, to know whether the Irish Members concurred in what had been said by his right hon. Friend, that those who opposed these advances proposed by the Government, lost sight of the state of Ireland. He confessed that he had himself expressed his opposition to any renewal of the 50,000*l.* loan; and one of the consequences of the opposition which the Government met with on that occasion was, that his right hon. Friend found out that the money could be provided in another way. He wished to know from his right hon. Friend whether the instalment on the money hitherto advanced under the Land Improvement Act had been regularly repaid; and if not, whether the provisions of the Act to enforce repayment had been put in force? He understood his right hon. Friend to say that double the sum granted had been applied for; but from the return moved for by his right hon. Friend the Member for Waterford, it appeared that the amount as yet expended showed by no means so large an expenditure as that statement of the right hon. Gentleman would imply. He wished to know, also, what opportunities would be given to the House for discussing this proposition after due consideration.

The CHANCELLOR OF THE EXCHEQUER wished to be allowed to explain, in answer to the questions put by his right hon. Friend the Member for Northampton, that he had not stated that those gentlemen who voted against the 50,000*l.* had done so in disregard of the sufferings of the Irish people; but what he said was, that the real condition of the people had been a good deal lost sight of throughout the whole debate. They were now in this awkward position—that the 50,000*l.* had been already expended, and every day that he did not hear of some fearful additional calamity he considered as a day gained. His right hon. Friend was mistaken in supposing that he had stated the whole fund applicable for land improvement as being exhausted. He had stated that 900,000*l.* and upwards, out of the 1,500,000*l.*, had been issued, and that the remainder, or 548,000*l.*, had been allocated, with the exception of a small sum, for future years. That sum having been allocated for the completion of works on hand, it was obvious that no portion of it could be applied to the giving of employment during the present year, and that additional funds should be provided if the House wished to give any increased aid to the employment of labour this year. His right hon. Friend appeared to think that there was some discrepancy between his statement and the return moved for by the hon. Member for Waterford; but such was not the case. What he had said on this point was this: the total amount of applications for advances under the Land Improvement Act was 3,074,000*l.* Of these, advances to the amount of 1,544,000*l.* were sanctioned, out of which 112,000*l.* had been given up. But of that, 59,000*l.* had been reappropriated or resanctioned, leaving only 9,000*l.* unallocated, and yet at the disposal of the Government. His right hon. Friend wished to know how far the rent charges had been paid. The rent charges on account of advances due on the 10th of October last were 4,989*l.*, and of this sum 4,935*l.* had been paid, leaving only a balance of 53*l.* still payable. Out of the charges due on the 5th of April, somewhat about 2,000*l.* had been paid in immediately on becoming due; but as the returns had to be made out within a few days after the 5th of April, no general result could have been expected. In reply to the last question of his right hon. Friend, he had only to say that as it would be necessary for him to bring in a Bill after the resolutions were agreed to, ample opportunity would be afforded for discussing the subject in detail.

Mr. H. HERBERT said, no person could doubt the advantage of arterial drainage, but the question to be considered was whether this measure was calculated to give any very extensive relief to destitution. He believed that it tended to have that effect; but he was convinced that every measure of this kind that they could adopt, would be thwarted while they retained the present large area of taxation. It was said that they underrated the grievances of Ireland; but what they complained of was that Her Majesty's Government did not themselves appreciate the magnitude of the evil with which they had to grapple. In the union with which he was connected, they had raised 40,000*l.*, out of a valuation of 85,000*l.*, for the relief of the poor. They had now 3,000 in the workhouse, and in the auxiliary workhouse, and there were 7,000 or 8,000 additional receiving outdoor relief, and a great portion of this vast pauperism was owing to the present area of taxation being so large and unwieldy. In his own union the Poor Law Commissioners were invited to exert their power to effect that object—the people there telling them that if it were done, that union would not want advances of money, because great numbers of persons would be immediately induced to come forward and meet the crisis. It had been alleged against the Irish Members that they had but one panacea for all the evils of Ireland. It was not true that they relied upon a single remedy to meet those evils; still it was perfectly consistent with common sense that when they knew there was one great principle at the bottom of those evils, and which was the cause of the failure of the poor-law in many districts of that country, where, but for the operation of that principle, it would be successful—it was, he repeated, but common sense for the Irish Members to endeavour to impress upon the House that by reducing the area of taxation that principle would be destroyed, and the evils it entailed upon the country would consequently be removed.

Mr. AGLIONBY hoped that there might be some opportunity afforded to hon. Members for making themselves acquainted with facts before the vote now proposed, and the Bill to sanction it, should have passed that House. The question of Irish distress was every day becoming more painful, in consequence of the extreme differences of opinion that existed respecting it. There was one thing which he should certainly like to know before the end of the Session, and that was—what was the subject which the Irish Members really did agree upon? The English Members did agree upon a great many subjects, though he would not say that they were of one opinion in respect to this vote; but the extrordinary thing to him was, that the Irish Members did not even agree upon the single question as to receiving the public money. Apparently they did not, though he doubted whether, notwithstanding they spoke against it, they would not in substance be quite willing to accept it. They had one hon. Member taunting the Government with throwing away the public money without doing any good; another Member saying "No money will do us good; give us good laws, and take away your poor-law;" while a third exclaimed, "We don't want your money, but give us something that shall afford employment to the people, and save them from starvation." But what was that something? He strongly suspected that when they came to a division, not one Irish Member would be found to vote against it. He himself should certainly speak against it, although he should vote for it. The right hon. Baronet the Chancellor of the Exchequer had justly said that the prominent feature in the present case ought with all of them to be the miserable, wretched, starving, and dying condition of the people of Ireland.

That was the foundation of these grants; and that alone was the reason why Her Majesty's Government called upon the English Members to support them. Thus appealed to, there was not, he trusted, any English Member who would refuse this aid. He wished, however, that money could be better applied, and that those who had the application of it could be relieved from the obloquy of wasting and throwing it away. He had no confidence in the Board of Works, than which a more expensive or wasteful board had never existed in the united kingdom. He had the authority of the hon. Member for Shropshire for stating that drainage which had cost the Board 32*l.* per acre, might have been done by the landlord at 5*l.* the acre. Why should not the thing be managed in Ireland as it was in England, the money given to the landlord, while the work was inspected by a Government superintendent?

The CHANCELLOR OF THE EXCHEQUER thought a little explanation would save a great deal of discussion; he would therefore inform his hon. Friend that the two Acts under which he proposed to advance this money were the Land Improvement Act, and the River Drainage Act. Under the first, the works were performed by the landlord, and inspected by the Government officer. Under the latter the Board performed the work, as the rivers going through many estates rendered it difficult by any other means. It had been found impossible to procure agreement among the proprietors as to the apportionment of the work, and therefore the Board had been obliged to undertake it. The observations of the hon. Member for Shropshire applied to neither one Act nor the other, but to works which had been undertaken simply for relief purposes under what was called Mr. Labouchere's Act.

MR. AGLIONBY said, the question he had asked the right hon. Gentleman was, how the money was to be applied; whether it was to be applied by the Board of Works? to which an answer in the affirmative was returned. Had a distinction been made upon that occasion by the right hon. Gentleman with reference to the mode of application, he (Mr. Aglionby) should not have advanced the observations which he did; but upon this he had distinctly come to the conclusion that he never would invest any power in the hands of the Board of Works in Ireland. And he would tell the House the reason. They were all aware of a case in which English money had been subscribed and laid out in the sister country; and, with respect to that case, there was a complaint against the right hon. Gentleman. A company had provided money to the extent of 15,000*l.*, but the Irish Members had repudiated sums from an independent source, and therefore they ought not to be given any Government advance. The company had for its object the Lough Corrib drainage. A tender of evidence had been made to the right hon. Gentleman, with the view of showing that he had been entirely misinformed relative to the company in question, and that he had been acting under a misconception; but if report were true, he had refused to listen to the testimony. The Lough Corrib drainage was intended, as he said before, to be carried out by an English company. [" Question !"] He was speaking to the question—an Irish question.

MR. J. O'CONNELL rose to order. The drainage of Lough Corrib had been debated on a former occasion, when a private Bill was before the House.

MR. AGLIONBY contended that he was speaking to the question, if he succeeded in showing that the Irish might have money from other sources, and that they refused it. His point was this—that, when they refused money offered to them, they had no right to come to the House and say they would take it from the Legislature. He believed it would be shown to the right hon. Gentleman the Chancellor of the Exchequer, that what he had been informed about the Lough Corrib Company was untrue. It was believed that they had not proceeded with their works. The fact, however, was, that although they were prevented for some time by circumstances over which they had no control from being able to carry on their operations, it was a mistake to suppose that the 15,000*l.* had all been laid out in law expenses. Most of it had been expended in hard cash upon Irish labourers, who were in the habit of assembling in the marketplace on a Saturday evening to receive their wages; and this expenditure would have gone on until the Board of Works stepped in and came to issue with the company. He hoped this subject would again be discussed, and that the conduct of the Board of Works would not escape investigation.

The CHANCELLOR OF THE EXCHEQUER said, that a direct charge had been advanced against him of having refused to receive information, and of thereby having committed an injustice. He wished his hon. Friend the Member for Cockermouth had taken the trouble to make some inquiry, and ascertained the real facts of the case, before he advanced a charge of the kind. When he (the Chancellor of the Exchequer) went down into Yorkshire during the recess, he stated to a gentleman from the Lough Corrib Company, who had called upon him, that, as there was a legal question pending in the Irish courts respecting the company and the Board of Works, it was desirable to have that question settled before any legislation upon the subject took place. The gentleman then showed him a letter from the company to the effect that it was improper to introduce the Lough Corrib Bill pending the legal inquiry. He (the Chancellor of the Exchequer) observed in reply that he was glad the company took the same view as he did himself upon that subject. The gentleman having then requested that no unnecessary delay should take place in settling the question in the courts of law, a promise was given him that his request should be complied with, and a letter in accordance with the promise was immediately written to the Board of Works.

Mr. AGLIONBY admitted that he owed an apology to the right hon. Gentleman for not having, in common courtesy, informed him previously of what he had heard. He dared say he might have misunderstood the parties; but they certainly showed him some documents with the view of proving that the right hon. Gentleman had been misinformed as to the expenditure of their money in nothing besides law proceedings; and when he asked one of them in the lobby of the House whether a deputation had been sent to explain matters, the reply was that information had been declined.

The CHANCELLOR of the EXCHEQUER might have told them that he did not see any advantage in going into the merits of the question until the proceedings in the courts of law had terminated.

Viscount BERNARD expressed his gratitude to the Government for their conduct upon the present occasion, and said that they would have the grateful thanks of thousands, whose condition would be improved by the works that were to be carried on under the proposed arrangement. The noble Viscount then proceeded to quote, at considerable length, letters from various correspondents, clerical and lay, in the western districts of the county of Cork, showing the dreadful state of the destitution to which the people were reduced, and said that his object in rising was chiefly to point out to the Government the great difficulties they would have to contend with. It was the want of co-operation amongst the landed proprietors. That want of cooperation and agreement amongst themselves it was which rendered the former Drainage Acts inoperative; and the only way in which the difficulty could be surmounted, would be by the Chancellor of the Exchequer obtaining a compulsory enactment, which should enable the Government to lay out the works to be done, and to have them done, no matter who dissented. It would be impossible to get proprietors to agree upon a system of arterial drainage, for example—many persons would be prevented from draining into the upper part of a river by the opposition which they would receive from those whose property lay lower down, and the only way in which the matter could be settled would be by a general and compulsory system. But the best mode of employment for the labouring population, and the system which would conduce most to the general welfare of the country, was the making of railways. They would open up the resources of the country, and enable the fisheries to be carried on profitably. The right hon. Gentleman the Chancellor of the Exchequer said, he hoped yet to see Ireland prosperous and happy. But to bring about the condition of prosperity, it was necessary to give the country a strong stimulus to carry it through its transition state. As to the effect upon the united kingdom of loans for public purposes, he (Viscount Bernard) begged to say that every such advance of public money had been attended with an increase to the revenue of the country. Even the labour-rate did not seem to have failed in producing some benefit.

Mr. GROGAN said, he might congratulate the right hon. Gentleman the Chancellor of the Exchequer and the House upon this, that amidst the dismal accounts which were daily received from Ireland, a bright spot at last appeared. He gave Her Majesty's Government credit for this at least, that they had taken the affairs of Ireland into serious consideration. There were many measures which might prove beneficial to the country; they formed, indeed, a part of the scheme of the right hon. Baronet the Member for Tamworth, but it would redound to their credit if they were carried out. He gave Her Majesty's Government credit for good intentions and honesty of purpose. Now, though the Government under these measures had the power to sell estates, they must find purchasers for them. But they could not find purchasers for these estates—they could not find purchasers unless they altered the whole system of management in Ireland. So long as the present system of poor-law was permitted to be worked in Ireland, so long would all legislation be in vain in respect to the improvement or sale of lands.

MR. TRELAWNY must oppose the proposition for advancing British money for the purpose indicated by the resolution. He altogether deprecated the system of going on advancing sum after sum, and think that they were benefiting Ireland by so doing. The Irish Members, he thought, had not exhibited any particular sagacity in saying anything about the matter to-night. They ought to have taken their cake in silence; but the present system was one which would not be long continued. Since he had been a Member of that House, upwards of 10,000,000*l.* had been advanced in Irish loans. Now, either the productiveness of the soil must be brought up to the amount of the population, or the amount of the population must be brought down to the standard of the productiveness of the soil. The policy adopted by Government, however, was by no means suited for bringing about either the one or the other of these consummations. If he had any hope that this would be the last grant that would be demanded, he would be ready to accede to it; but there appeared to be no chance of anything of the kind. The pressure of the famine was over now, and if the sum of 5,000,000*l.* would clear us at once and for ever of Irish liabilities, he would be ready to vote for granting it; but the case seemed altogether hopeless. There was a reaction against free trade going on in many parts of the country—a reaction which was caused by the distress produced amongst the people by continued Irish grants; and he feared that if they were to go on exhausting their energies in this manner, a powerful argument against free trade would be the result of their proceedings. The hon. Gentleman concluded by stating it to be his intention to divide the House on the resolution.

MR. STAFFORD observed, that the objections of the hon. Gentleman who had last spoken to the grant, seemed to be based upon certain objections which it was stated were made to our recent free-trade policy. The fact was, that the hon. Gentleman had to choose between preserving the lives of the Irish, and advancing his own system of economic philosophy, and he had not hesitated about sacrificing the one for the promotion of the other. The hon. Gentleman had assured the House that the Irish famine was over. [Mr. TRELAWNY explained that he had referred to the potato famine.] What was the meaning of the potato famine being over? Had the potatoes come back to Ireland? He found that the hon. Gentleman was as incorrect in his facts as in the theory which he sought to found upon them. He (Mr. Stafford) denied that the Irish Members had exhibited anything like importunity in reference to this grant. He contended that the advance, received as it was conditionally, and without much expression of gratitude, showed that the present measure had not been very eagerly sought after by the Irish Members. An hon. Gentleman had stated that it was his intention to divide the House on the resolution. Now, in one point of view, he (Mr. Stafford) certainly saw much to disapprove in the policy at present being pursued. He saw great risk in making Ireland so great a debtor to the imperial treasury. If they were to sum up all which Ireland now owed, and all it was likely she would owe, he thought the House would agree with him that it became a serious question how far they had acted wisely in plunging one portion of the British dominions so deeply in debt to the imperial treasury; as it was probable that Ireland would soon be. The Chancellor of the Exchequer should remember, when he charged Irish Members with offering obstructions to the passing of remedial measures for Ireland, that it was only by making long speeches that they had been enabled to pump up any measures of relief. The hon. and learned Member for Cockermouth, a year or two ago, had taunted the Irish Members with not having made up their minds as to what measures were necessary for Ireland. Now, looking at the Votes of last year, it would be found that on the 28th of February, 1848, on the Motion of the hon. and gallant Member for Portarlington, the Irish Members were unanimous in expressing a strong and earnest remonstrance to the Government for a Committee to inquire into the operation of that poor-law which they then found was working so badly. He regretted to have found the name of the hon. Member for Tavistock amongst the majority of English Members on that occasion; and he thought it came with an ill grace from those who had voted with the majority to taunt Irish Members with a want of unanimity. [Mr. AGLIONBY: I voted with you.] Yes, and exhibited, in conjunction with his constituents, who did not seem able to make up their minds on the subject, much greater discord than could be charged against the Irish Members. The hon. Member had spoken one way and voted another, showing a tendency to hyper Hibernianism of which the Irish might be declared, on that question, to be free.

SIR H. W. BARRON indignantly repudiated the attacks which Gentlemen of the free-trade school were in the habit of making against Ireland. Free-traders in that House said, that neither grants nor loans should on any account be made by the British Parliament for Irish purposes. He trusted that the Irish Members would not forget that sentiment. To exhibit the ignorance of the Gentlemen of the free-trade school on this question, he quoted from a return which had been placed on the table of the House within the last ten days, showing that during the last few years nearly 8,000,000*l.* had been granted by Parliament for various public purposes in England. The money had been expended in the making of canals, bridges, harbours, docks, roads, breakwaters, and on other objects. He could not refrain from reminding the House of this fact, when there seemed to be a disposition to deny a paltry sum to the relief of the necessities of Ireland. Ireland was as badly off at this moment as she had ever been: the famine of the last three years not only dragged down the poor, but the rich also. He had received accounts from that country within the last few days which exhibited Ireland as being in the most destitute condition. Mr. Villiers Stuart, a gentleman not unknown in that House, writing as chairman of the Carrick-on-Suir union, stated, that in the course of a single day 194 paupers over and above the usual number had applied for relief. A letter from the Mayor of Waterford stated that at the time it was written there were in the workhouse of Tipperary 579 ablebodied men. The sum of 500,000*l.*, now proposed to be voted, would fall far short of the necessities of the case. The Board of Works in Ireland had applied for 3,000,000*l.*; the Government had allocated only 1,500,000*l.* To call the sum now to be granted a gift, was to miscall it. No loan had ever been better secured. Similar loans had been made to England and Scotland when the occasion had not been nearly so urgent. He begged to offer a suggestion or two to the Chancellor of the Exchequer as to the distribution of this loan. He should certainly recommend its being divided into sums in no instance exceeding 1,000*l.*, and being spread over as large a surface as possible. And considering, also, the great want of employment at present felt in Ireland—the large masses of ablebodied paupers at this time in the poorhouses, he would recommend that the parties borrowing the money should be compelled to disburse it within a period of twelve months. He could not agree with the censure which had been cast upon the Board of Works in Ireland. Bearing in mind the extent of the labour imposed on them, he thought they had carried out the drainage expenditure in that country with as much economy as could be expected. Having freely opposed the Government when he thought that they were not by their measures advancing the interests of Ireland—having, for instance, opposed them in the rate-in-aid question—it was with pleasure that he could express his opinion that the step they were now taking was one in the right direction. This loan on credit, while it would not injure the public resources of this country, would confer an immediate benefit upon Ireland, and indirectly improve the resources of the empire at large.

MR. J. O'CONNELL said, he would address the Committee for two or three minutes, and upon only two or three points. Giving the Government credit for their proposition, and admitting that some good might result from it, he, nevertheless, thought that they had overlooked one or two important features in the present condition of Ireland. The first step the Government should take should be to stop the wasting of life, which, in defiance of the poor-law, was now going on. The people could not subsist on one pound of yellow meal per diem for each pauper. Such a scale of relief ought to be raised; and if the Government found it necessary to raise additional sums for that purpose, they should brave public disapprobation, if such existed, and come forward boldly and ask for the money. He also thought it of importance to secure the tenantry of Ireland in the enjoyment of the fair fruits of their labour. If that were done, that class of persons would cease to think of emigrating to America. His appeal to the Government at this moment, however, was for food for the present, and security for the future.

Mr. REYNOLDS felt bound to state that he heard the plan of the Government with feelings of unmixed satisfaction. The well-toned and equally well-timed speech of the Chancellor of the Exchequer, he was certain, would be well received on the other side of the Channel. The money to be advanced was to be expended in the employment of labour, and he had expected that Irish Members generally would have hailed the plan as one likely to benefit the country. Though they might regret that the grant was not larger, they must rejoice that the national exchequer was not to be for ever hermetically sealed against the distress of Ireland. He had that day heard the clerk of the Limerick union examined before the Irish Poor Law Committee, and the details he gave were most harrowing. He stated that numbers of ablebodied men in the workhouse had previously offered to work at twopence per day. He (Mr. Reynolds) rejoiced to learn that the subject of an advance to the Galway railway was still under consideration. The other remedial measures would be incomplete, unless the means were given for improving the internal communication in the west of Ireland. He had had some experience of arterial drainage in Galway; the suspension of certain works there had been most injurious, and it was essential that they should be resumed as early as possible. In making the grant now proposed, the Chancellor of the Exchequer might be certain, not only of its repayment, but of the interest being regularly paid. An hon. Gentleman opposite, the Member for Shropshire, had complained of his having had to pay 200*l.* for the drainage of six acres of land; but, if he had done so, it was his own fault, for he might have employed his own hands, the Board of Works merely sending an inspector to see that the work was properly executed.

The votes of 300,000*l.* and 200,000*l.* were severally agreed to.

House resumed.

Resolutions to be reported on Monday next.

MARRIAGES BILL—ADJOURNED DEBATE.

Mr. STUART WORTLEY said, that he was ready to proceed with the debate; at the same time he was aware that there had been some misunderstanding between himself and his hon. Friend the Member for the University of Oxford and others that the discussion should not be taken after nine o'clock. [It was then twenty minutes past nine.] While he should be unwilling to depart from that understanding, he was, on the other hand, prepared to go on with the debate.

Sir R. H. INGLIS admitted that his right hon. and learned Friend the Member for Buteshire had not risen in his place to tell him that the debate would not be resumed after nine o'clock; but he had informed him, in that kind of intercourse which took place between Members holding opposite opinions on a question, that he would not bring on the question after nine o'clock. Of course he did not conceive he had violated any confidence in communicating such an intimation to others; and others had gone away. He admitted the hon. and learned Gentleman might urge the resumption of the discussion if it could terminate that night. But did any hon. Member believe it would terminate? [An Hon. Member: Yes.] An hon. Member said "yes;" but such, he was sure, would not be the response of the hon. and learned Gentleman, for he himself would probably occupy at least two hours. From the number anxious to speak, it would be imposssible to dispose of the question to-night. The Government proposed to postpone other public business of importance, although there was no chance of the debate on this question being concluded to-night. He should resist the proposition.

Mr. STUART WORTLEY trusted that he had not been guilty of the slightest breach of faith to the hon. Baronet. He had hoped that the debate would have been resumed before nine. They had been trembling in the balance, in the hope that hon. Gentlemen from Ireland would not have detained the House after that time; and as the hour had only been exceeded by twenty minutes, he trusted he should not be acting unfairly, if, in deference to what appeared to be the feeling of the House, he proposed to go on with the debate.

Lord J. RUSSELL expressed his willingness to postpone the Orders of the Day in order that the debate might be resumed.

Sir R. INGLIS protested against the course of proceeding proposed to be adopted. It was impossible to conclude the debate that night; and to resume it under those circumstances would, for all practical purposes, cause the loss of the rest of the evening.

Mr. GOULBURN said, that if a pledge had been given to hon. Members that the debate would not be brought on after nine o'clock, it was only right to consider what influence it had upon their attendance, especially as an Irish debate happened to be in progress.

Mr. HENLEY said, if the arrangement had not been publicly made, it had certainly been generally understood that the debate should not come on after nine o'clock. It was impossible that so important a discussion could close that night; and it would certainly be setting a very bad precedent if they were on this occasion to depart from the ordinary rule of the House of acting upon any general understanding that might be come to between the Gentleman having charge of a Bill, and those who took a leading part in the discussion of it, even although that understanding did not amount to a definite public arrangement as to the hour for a debate coming on. If the discussion were now to go on, it was not likely to be conducted in the proper spirit.

Sir R. H. INGLIS would agree to the debate going on if he thought it possible to conclude it that night; but it was clear they could not divide upon the Bill that night. If the Government did not consider the other orders of sufficient importance to occupy the remainder of the night, he would insist upon moving the adjournment of the House.

Lord J. RUSSELL should have been glad to have had last night and to-night for other business; but as this Bill was an important subject, he had given up the whole of yesterday for its consideration, thinking, if such a measure ought to be passed at all, it should be passed as soon as possible. He had known nothing whatever of the arrangement fixing the latest hour for continuing the debate at nine o'clock; but all he could say was, he would leave the House to decide whether it should go on with the discussion now, or prefer some other time for resuming it.

Mr. VERNON SMITH said, several Gentlemen had gone away with the impression that there would be no division that night.

Mr. AGLIONBY asked whether any hon. Member knew of anybody who had gone away between nine and half-past nine o'clock; and if so, whether there could be any difficulty in bringing them back again?

Sir R. H. INGLIS said, he should move the adjournment of the House.

Mr. HENLEY seconded the Motion. He had been asked if he knew any one who had left the House, expecting the discussion would not come on. He would answer that he did. The noble Lord the Member for Bath was one, and went away almost at the very moment.

Mr. STUART WORTLEY did not think it impossible for the House to divide that night; the subject was pretty much exhausted last night, and the opinions of two important classes upon it had been tolerably well obtained. At the same time he must apologise to the House for taking it upon him to mention to any hon. Member that he supposed the debate would not come on after nine. The noble Lord the Member for Bath had gone away with the belief that they would not divide to-night.

Motion made, and Question put, "That this House do now adjourn."

The House divided:—Ayes 25; Noes 116: Majority 91.

List of the Ayes.

Arkwright, G.
Bernard, Visct.
Broadley, H.
Cobbold, J. C.
Dundas, Sir D.
Ffolliott, J.
Fox, W. J.
Gooch, E. S.
Goulburn, rt. hon. H.
Grace, O. D. J.
Halsey, T. P.
Hamilton, G. A.
Hope, A.
Jones, Capt.
Lockhart, W.
Napier, J.
Oswald, A.
Palmer, R.
Pugh, D.
Sheridan, R. B.
Simeon, J.
Smith, rt. hon. R. V.
Thesiger, Sir F.
Turner, G. J.
Walter, J.

TELLERS.

Inglis, Sir R. H.
Henley, J.

List of the Noes.

Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Barron, Sir H. W.
Bass, M. T.
Berkeley, hon. Capt.
Berkeley, C. L. G.
Blair, S.
Blakemore, R.
Boyd, J.
Brackley, Visct.
Brockman, E. D.
Brown, W.
Bunbury, E. H.
Butler, P. S.
Campbell, hon. W. F.
Chaplin, W. J.
Clements, hon. C. S.
Clive, H. B.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Dalrymple, Capt.
Devereux, J. T.
D'Eyncourt, rt. hn. C.T.
Dick, Q.

Duncuft, J.
Dundas, Adm.
Dunne, F. P.
Ebrington, Visct.
Edwards, H.
Ellis, J.
Elliot, hon. J. E.
Evans, W.
Fagan, W.
Ferguson, Sir R. A.
Filmer, Sir E.
Forster, M.
Graham, rt. hon. Sir J.
Granger, T. G.
Greenall, G.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Hanmer, Sir J.
Harris, R.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Heathcoat, J.
Herbert, rt. hon. S.
Heyworth, L.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Horsman, E.
Howard, Lord E.
Jervis, Sir J.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Lacy, H. C.
Lascelles, hon. W. S.
Lewis, G. C.
Lushington, C.
Macnaghten, Sir E.
M'Gregor, J.
Meagher, T.
Maitland, T.
Matheson, Col.
Maule, rt. hon. F.
Mowatt, F.
Mulgrave, Earl of
Mundy, W.
O'Brien, J.
O'Connell, J.
O'Connor, F.
O'Flaherty, A.
Paget, Lord C.
Parker, J.
Pechell, Capt.
Peel, F.
Pennant, hon. Col.
Power, N.
Pryse, P.
Raphael, A.
Renton, J. C.
Reynolds, J.
Rice, E. R.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Sadleir, J.
Salwey, Col.
Scrope, G. P.
Scully, F.
Seymour, Lord
Slaney, R. A.
Somerville, rt. hn. Sir W.
Stanton, W. H.
Talbot, J. H.
Thicknesse, R. A.
Thompson, Col.
Thompson, Ald.
Thornely, T.
Tollemache, hon. F. J.
Trelawny, J. S.
Tufnell, H.
West, F. R.
Wilcox, B. M.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.

TELLERS.
Wortley, S.
Hill, Lord M.

Order read for resuming Adjourned Debate on Amendment proposed to be made to Question (3rd May), "That the Bill be now read a second time;" and which Amendment was to leave out the word "now," and at the end of the Question, to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate resumed.

MR. E. H. BUNBURY said, he laboured under very considerable disadvantage, in rising at that period of the debate, and especially after the able and eloquent speeches addressed to the House last night by the hon. and learned Member for Southampton, and the hon. and learned Member for Plymouth, who had to a considerable degree exhausted the subject. However, the result of their speeches had been to narrow very much the issue which the House had to decide; and it was with great satisfaction that he had heard the hon. and learned Member for Plymouth admit at the outset, that whatever his views might be upon the social and political branch of the question, he would not feel himself justified by these considerations alone in continuing to impose the existing prohibitions. He had frankly admitted, that unless it could be shown that these marriages were forbidden by the law of God, the law of man was not possessed of sufficient authority to forbid them. It was upon this point, above all others, that he (Mr. Bunbury) wished to rest the argument; and, without following the hon. and learned Gentleman through all his theological inquiry, he maintained that the prohibition must not be based upon any thing short of the divine law. If the divine law had been clear and precise upon this point, the question would never have been mooted. But he maintained that he had a right to go further; and to assume, that while it was incumbent on the opponents of this Bill to prove that the marriages in question were distinctly prohibited by the law of God, it was not necessary for its advocates to prove that they were not so prohibited: it was sufficient if they could show that the point was a doubtful one. If it could be shown that conflicting opinions were entertained with regard to the prohibition by different sections of the Christian Church—that different theologians interpreted the Scripture passage in different and opposite ways; this fact in itself was sufficient to prove that the scriptural view ought not to form the basis of their civil legislation respecting these marriages. This was not a question of ecclesiastical law. The authorities of the Church might think they were right in their canonical prohibitions; but the question was—Had the Church a right to call in the civil law in aid of her canons? Had Parliament a right to impose civil disabilities, at the instance of the Church, upon persons holding conscientious opinions of a different character; for it was inflicting a civil disability to say, that persons who interpreted the divine word differently from the Church of England should be absolutely prevented from contracting marriages which they believed to be in perfect accordance with God's law, and to inflict upon their offspring the stigma and concurrent disadvantages of illegitimacy. That House was not to constitute itself into a theological tribunal to fix the interpretation of disputed texts of

Scripture—every Christian should be left to search the Scriptures for himself, and follow the guidance of his own mind. Whether the prohibition could be regarded as clear and distinct, might be judged of from the number and variety of the opinions expressed on the subject by different pious and talented men. Their evidence appeared in the blue book before the House; and he believed, notwithstanding the slur which had been cast upon the commissioners (who, he had no doubt, would be ably defended by the right hon. and learned introducer of this Bill), that this evidence had been very fairly and impartially collected. Many pamphlets had also been written on both sides; but he would not enter into any criticism of the various authorities. Some of them declared that they had no doubt or hesitation whatever as to the marriages in question being prohibited by the law of God; whilst others averred they had also no hesitation or doubt on the matter, whilst their opinions went quite the other way. A considerable majority of the clergymen who had been examined as witnesses before the commissioners, were clearly of opinion that these marriages were not prohibited by Scripture; and the same feeling existed among many of the other clergymen of the Church of England. The hon. and learned Member for Plymouth had attempted to trace the common consent of the Christian Church in favour of those prohibitions from the earliest times down to the Reformation; but surely the force of the argument founded upon this supposed common consent must be greatly weakened by the fact of the great difference of opinion that prevailed among the ablest divines of not only different but of the very same Protestant communities at the present day. The right hon. Member for Cambridge University had cited the authority of the great leaders of the Reformed Established Church—Cranmer, Parker, Jewell, and others—and ended by saying that these testimonies were conclusive. Now, great as was his (Mr. Bunbury's) deference to these great names, he, for his part, could not agree that these authorities were altogether conclusive and decisive upon the point, and precluded everybody else's opinions. The fathers of the Reformed Church were not, in his opinion, entitled to that implicit submission which the right hon. Gentleman claimed for them; and in this, the 19th century, the Protestants of the present times could not be bound down to accept the authority of the fathers of the English Reformed Church, any more than these fathers of the English Reformed Church considered themselves bound by the authority of the fathers of the early Christian Church, as decisive and conclusive upon matters of this kind. Protestants in the 19th century ought to hold fast by the great Protestant dogma of the right of private judgment in searching the Scriptures, and afterwards deciding our opinions for ourselves. This was the principle upon which they should base their legislation. The present law was disregarded by the people of this country—but with regard to the prohibited degrees in question only, and no others—not because their religious feelings were weak, as had been alleged, but because the people, and especially the middle classes, had, on the contrary, too strong a view of the sanctity of the marriage vow ever to submit to its being based upon mere human legislation. They required it to be grounded upon the divine law alone. A clergyman of one of the most populous parishes of Birmingham stated in evidence that many parties, related by affinity, came to him to be married, and on his refusing to perform the ceremony, they challenged him to show them any passage of Scripture against it. The more he (Mr. Bunbury) looked at the great divergence of opinion existing on the subject, the more strongly was he convinced that there must be something inherently wrong, and contrary to the common feeling of mankind, in the prohibition; because, how was it in different cases? Why, the relation by consanguinity was acknowledged by the universal sentiments of all mankind to be an utter bar to all matrimonial alliances. The particular cases in question, among so many prohibited degrees, were the only instances with regard to which any question arose; and this singular circumstance was only to be explained by the prohibition being at war with human nature. It had been said there was no general unanimity in the country in favour of this Bill; the fact was that both the laity and the clergy of the Church of England were divided in their sentiments upon the principle of the measure; but if it was borne in mind that these marriages had been prohibited by the canons and express decisions of the Church of England during three centuries, it would appear strange, not that there was no unanimity in favour of the Bill, but rather that the Church had succeeded in producing so little unanimity against it. The clergy of the Church of England, the Dissenting ministry, and members of all sects, were at issue in their interpretation of the scriptural view of the question. Many of the Catholic clergy and their people were favourable to the repeal of the prohibitions; and the Protestant Dissenters were also on the side of the relaxation of the law. Whether considerations of social expediency would justify the passing of the law, was a very subordinate part of the subject, although many weighty reasons, drawn from the social relations, the domestic affections, and the peace and comfort of families, might be adduced to strengthen the other branch of the argument. The most predominating of these considerations, to his mind, was, that the continuance of the present law led to numerous instances of concubinage, and all its attendant evils, among those whose happiness and comfort it interfered with. Now, he contended that they had no right, upon any fancied ground of expediency, to continue a course of legislation which had the effect of producing immoralities, and driving people to the commission of sins of which they would not otherwise have been guilty. The effect of the present law in respect to the mischiefs produced by it, resembled those which resulted in another department of legislation from the present system of game laws, which led men first to be guilty of poaching, and from thence they gradually were led to the commission of theft and robbery. He would not detain the House any longer; but for the reasons he had stated he would cordially support the second reading of the Bill.

MR. A. B. HOPE agreed that it was incumbent on those who opposed the Motion to show that the prohibition was in accordance with the law of God; but there was no inconsistency in those who believed this assuming that the prohibition in Scripture was not positive, in order afterwards to argue the question on social grounds. It was a material step in the argument to show that the prohibition operated beneficially to society. The laws of God were all wise and good, and that which operated injuriously might be assumed to be opposed to them. As to the allegation that the existing state of the law led to immorality, that was begging the question. If the thing were wrong in itself, the giving of a ring could not make it right; it would only be superadding to concubinage an unreal form. Among the things which appeared to him as strange in the conduct of this case, none appeared more so than that his right hon. Friend excluded the marriage of brothers and sisters-in-law by the husband's side. He sought to draw a distinction between these two cases in his speech on obtaining leave to bring in the Bill. But supposing that the individual grievance which had caused the present movement, had been of this class, and supposing a firm as indefatigable as the one employed had conducted it, and a Member as eloquent as his right hon. Friend had introduced the measure to the House, he thought quite as good a case might have been made out in favour of allowing the marriage of brothers and sisters-in-law on the husband's, and disallowing it on the wife's side. We should have been told of the children who wanted the strong arm of a man to protect them. We should have heard of the attachment of the widow to her husband's name and family. We should have been told what a desirable wife for a poor man her previous knowledge of housekeeping made her, and so on, none of which reasons we should have heard existed on the other side. It had been asserted that the present was a poor man's question. He denied the truth of that assertion, and confidently appealed to the blue book which had been presented to Parliament on this subject. The evidence collected was drawn from a district of a country, comprising a large proportion of the most crowded towns of England, where immorality of all sorts reigned. What proof was given that the alleged marriages were all really marriages? Every one knew how constantly concubinage passed by the name of marriage among the lower orders. Where were the proofs that the commissioners had entered the miserable dwellings and penetrated the dirty alleys in which their asserted clients were to be found, for the purpose of obtaining the conclusive proofs, in the reality of their marriages, of the necessity for passing such a measure as the present? There were no such examples, no such stringent proofs, adduced in the report. But on examining that blue book, what did he find was the most stringent cases which were adduced in support of the Bill, all taken from the higher classes? There was one case in particular which had been greatly relied upon because of its so-called interesting—he would not say its meretricious—character. It was the case of the anonymous stockbroker. This interesting person appeared from the evidence to have married his first wife in the year 1816, and to have contracted a second connexion with her sister in 1844. Consequently, supposing he was of the legal marriageable age of twenty-one years when he first entered into that state, he must have arrived at the not altogether adolescent period of forty-nine years when he formed this second connexion; and his wife's sister, supposing she was only fifteen years of age when her sister was first married to this anonymous stockbroker, must have reached the somewhat mature age of forty-three years before she was sought in marriage by her deceased sister's husband. The blue book contained a letter from her brother to the witness urging the marriage, because his eldest daughter, under whose chaperonage the aunt seemed to have lived, was going to be married. "The mature age of Mary, while resident with you, tended to render my sister's situation less embarrassing and awkward, which her absence will occasion." If "Mary" was mature at twenty-two, how much more mature her aunt must have been at forty-three, and yet she could not be allowed to live with her brother-in-law, though the same letter testifies to his respectability. It was clear that he was trepanned into the marriage by her brother. There was a case he had meant to quote, but it was of so disgusting a nature that he would not do so. When he stated that he referred to that of the postmaster at Wolverhampton, many hon. Members would understand to what he referred. There was another case cited in the blue book, that of the architect and engineer of Bristol, who, at the age of seventy years, sought the hand of his wife's sister, she being sixty years of age. This person's wife, with whom he had lived nearly thirty-six years, died in August, 1836, leaving him with six daughters, only one of whom, the youngest, was living with him; and she being considered too young to be entrusted with the care of the establishment, his late wife's sister, who had resided with them as one of the family upwards of twenty years, undertook the care of the household. This gentleman said of his sister-in-law, in a letter dated December 20, 1847—

> "We are now to all appearance destined by Providence to spend the remainder of our lives together. I am sure I need not use any argument to show how much it would add both to her comfort and my own could we be lawfully placed in the situation of man and wife; and this we had determined to do, but find the law of consanguinity as it now stands to be a bar, and unless this obstacle is likely to be speedily removed, we shall be induced to adopt some mode to evade or seek redress in a foreign country. I view the prohibition as unjust, my conscience bearing me witness. I see no law, neither in morals nor religion, that imposes such a prohibition, and in this I am borne out by my own family and connexions, including my brother's family and the minister with whom it is my happiness to be connected; nor do I know of any reason, either private or public, which can be urged against it, except this which I am induced to call an iniquitous statute. We are both above sixty years of age, and may not therefore be charged with the frivolities of youth."

Now, he (Mr. Hope) conceived that if they relaxed the law maintained by our Church for three centuries, and the custom of the Christian Church for fifteen centuries, they ought to do it in order to meet some real grievance of overwhelming weight, and not to suit the caprice of this wretched architect of Bristol, who, at seventy years of age, could not live honestly and respectably with an old woman of sixty without talking about evading the law, and seeking redress in a foreign country. It had been assumed, because the Bishop of Lichfield was included in the commission, and because ten clergymen were examined before that commission, that the clergy gave a sort of tacit assent to the proposed alteration of the law; but that assumption was altogether unfounded. He found that although the commission first met in November, 1847, the Bishop of Lichfield was never present at a meeting of the body until eight months afterwards. He had himself presented a petition against the Bill from the Dean of Lichfield and the clergy of that city. The opinion of the Established Church of Scotland had likewise been shown to be adverse to the measure; and the great majority of the Roman Catholics were against it. Under these circumstances, he trusted that the House would not change the law and moral institutions of this country on such vague, insufficient, and intangible grounds as that presented by the report of the commission.

Sir G. GREY said, he would be as brief as possible in stating the reasons which induced him to vote for the second reading of the Bill. He was relieved from the necessity of saying much, because he fully agreed with what had been said in the early part of the evening, that the subject was almost entirely exhausted by the speeches which had been delivered on the former night of discussion. He would not enter into the theological branch of the subject, not certainly because he undervalued its importance, for he felt that it involved a preliminary point upon which it behoved every man to satisfy his own mind and conscience before he gave his vote upon this Bill. But he did not think that the question, whether or not these marriages between a man and his deceased wife's sister were prohibited by the word of God, was one likely to receive a solution by a decision of that House. It was a question upon which every man must satisfy his own mind, and if in the course of that preliminary investigation, which he hoped all had given to the subject, and which it had been in the power of every one to bestow, any hon. Member had arrived at the conviction that there was an express prohibition in Holy Writ against this kind of marriage, he (Sir G. Grey) admitted that such a one was not at liberty to treat this question on the mere grounds of social convenience and expediency. But those who had arrived at the opposite conviction, that there was no such divine prohibition, or at the conclusion that the question was left in doubt and incertitude, were, as it appeared to him, in either or both of these cases, perfectly free to consider this question in its practical and social bearings. All had access to the word of God, to the writings, and authorities on the subject, and to the publications which had issued from the press, in some of which the theological part of the question was very fully treated. Every aid, therefore, which human ingenuity and piety, and learning, and argument could afford, had been given, and the question might now be safely left to the decision of each man's own mind and conscience, without entering in that House upon a theological discussion. He (Sir G. Grey) had given his best attention to the arguments adduced to show that there was a divine prohibition against these marriages, but he was satisfied in his own mind that no such prohibition existed. He therefore felt at liberty to view the subject simply in regard to its practical bearing upon the interests of the community. The authority of the Church had been rather largely dwelt upon, but he felt at a loss to discover precisely in what sense that authority was invoked. If by the authority of the Church was meant that of the early fathers, of general councils, and ecclesiastical authority prior to the Reformation, he avowed he could not attach much weight to it; because, if he did, he felt he should be carried considerably beyond the conclusion deduced from that authority as applicable to the cases provided for by the Bill. If this deference was to be paid to Church authority in that sense, we should find ourselves involved in a multitude of prohibitions, many of them utterly inconsistent with prevailing opinions and practice, and restrictions would have to be imposed upon marriages between parties supposed to be related by sponsorship, or some supposed degrees of affinity, not now included in any recognised prohibition. Before he proceeded, however, he would observe that he concurred in the view taken by his hon. Friend the Member for Bury St. Edmunds, that where the question of divine prohibition was a doubtful one, they were not at liberty, irrespective of other considerations, to render that certain by human law which was left uncertain by divine law, and to impose restrictions which they were not satisfied did exist by reference to Scripture. If by the authority of the Church was meant the authority of our early reformers, or of that branch of the Christian Church established by law in this realm, then he could not see how the authority of the Church of England could be cited as a general law extending to persons not members of that Church. The prohibition extends to the whole of the subjects of this realm, whether members of the Church or not. It would be unjust and tyrannical to impose upon the members of the Church the necessity of choosing between their allegiance to their own Church and the law of the land; and if violence was done to the consciences of members of the Church, it would be an objection to this measure. But the Bill did no such thing. It merely left those who did not think they were bound by the authority of the Church at liberty to follow the dictates of their own consciences, and removed a restriction imposed upon them by the law of the land. Then came the question as to the effects of this measure upon society, and he thought that the great preponderance of arguments, and facts upon which the arguments were grounded, was in favour of the alteration of the law. He stated this with diffidence, for he felt that the question was one upon which much difference of opinion might honestly exist, and he felt the force of many of the objections which had been urged against the relaxation of the law. He had listened attentively to what had fallen from the hon. and learned Member for Plymouth at the conclusion of his able speech of the preceding night, and to his appeal to the House not to disturb that free and unrestrained intercourse which now subsisted between a man and his wife's sister. But they were bound to regard society as a whole, and to the effects produced by the law of 1835 upon all classes. And what had been that effect? The hon. and learned Member for Southampton had reminded the House of the circumstances under which the prohibitory clause had been introduced into that Act. It was true, as he had stated, that the Bill, as originally brought into Parliament, contained no such clause. The Bill had a legitimate and useful object, and so far as it was limited to that object, the Act had proved beneficial in removing the uncertainty which had existed relative to a large class of marriages, which, not regarded with disfavour by society in general, stood in this position, that although not void they were voidable, and might be set aside by a suit in the Ecclesiastical Courts during the lives of both parties; so that the result was a perpetual disquietude and anxiety, and the marriage tie, which should be indissoluble, was left to mere accident whether it should be dissolved or not, and whether the children of that union were born in lawful wedlock or not. But in the passage of the Bill through the other House, a clause was inserted rendering all such marriages in future void. He dissented from the doctrine of the hon. and learned Member for Plymouth, that the Act of 1835 did not give a legislative sanction to such marriages as had taken place before the passing of that Act. Before the Act of 1835 there was but one method whereby such marriages could be rendered invalid; but the Legislature, when they enacted that law, stepped in and placed a prohibition on the further invalidation of them. It decreed that all marriages of that description, which had taken place previously to 1835, should be declared as valid as any other description of marriage whatsoever; but it at the same time put a bar on the solemnisation of such marriages for the future. The promoters of the law of 1835 proposed to themselves the attainment of two objects totally dissimilar. They said "by the retrospective action of the measure we will render valid all marriages of this description which have been solemnised in times past, and by its prospective action we will prevent the possibility of such marriages being solemnised at all in time to come." But the very course they adopted rendered it impossible for them to succeed in such a project. The law was a most anomalous one, for it included two priciples which were entirely antagonistic. By one part of the Act a provision was made which amounted to a legislative declaration that there was nothing whatever immoral or worthy of objection in such marriages, and that they ought to be made as valid as any other description of marriage; and in the very next clause was found a sweeping prohibition of them. The Act of 1835 had produced no change of feeling or opinion with regard to these marriages in the minds of the people. Society still regarded the question in the same light as it had done before the passing of the law, and still refused to class such marriages in the same category with incestuous marriages. Notwithstanding the censure which had been cast by hon. Gentlemen on the commissioners for the manner in which they had discharged their duty—censure in which he could not concur—he thought there was abundant evidence produced by them that such marriages had not been stopped by the Act of 1835, but that they had continued to the same extent as before, and that evils of a serious character had been caused by the alteration of the law. The commissioners say—

> "We cannot avoid the conclusion that the statute of 5 and 6 William IV., c. 54, has failed to attain the object sought to be effected by its prospective enactments. It has not prevented marriage with the sister, or niece, of a deceased wife from taking place in numerous instances; whether more or less numerous than before the passing of the statute, we have not, as was before observed, sufficient data to enable us to form an opinion. But, without reference to any comparison of this description, the number of those marriages is so great as to justify us in saying, that the provisions of that statute, rendering them null and void, have not generally deterred parties from forming such connections.
>
> "We are not inclined to think that such attachments and marriages would be extensively increased in number were the law to permit them, because, as we have said, it is not the state of the law, prohibitory or permissive, which has governed, or, as we think, ever will effectively govern them."

How were these marriages viewed by men of a high tone of moral feeling, and who bore an upright and even a religious character? The commissioners had stated in their report that they had found that no strong objection to the present law was entertained in many cases by clergymen of various denominations—men who, so far from being chargeable with laxity of conduct, were remarkable for the rectitude of their lives. The commissioners spoke as follows:—

> "We do not find that the persons who contract these marriages, and the relations and friends who approve them, have a less strong sense than others

of religious and moral obligation, or are marked by any laxity of conduct."

There was this remarkable circumstance connected with the evidence, that all the witnesses who had spoken in favour of a change in the law were persons who, from their profession, their habits of life, and their position in society, were intimately associated with the great masses of the people, and enjoyed the fullest opportunity, not only of becoming acquainted with their habits, their feelings, and their prejudices, but also of forming an opinion as to what the probable result of a change in the law would be; whereas those witnesses who had spoken against any alteration in the law were for the most part gentlemen who had no such opportunities, and who merely gave their testimony as a matter of personal opinion, founded on the writings of theological writers. He had no hesitation in saying that he should be disposed to attach greater weight to the evidence of the first class of witnesses than to that of the second, because it was better to have the experience of men who had a practical knowledge of the wants, wishes, and feelings of the people, than the speculative opinions of men whose views were only derived from their literary studies. In addition to the evidence of the Rev. Mr. Garbett, of Birmingham, the opinions of five clergymen, four of them having a large cure of souls in the metropolis, had been recorded in favour of an alteration of the law; and Dr. Hook, of Leeds, with whose name the House was familiar as a divine of eminence, to whom was committed the spiritual charge of a large number of his fellow-Christians, had also concurred in the opinion that there was no positive prohibition in the Scriptures, and that the removal of the prohibition imposed by the human law, would tend to the morality and general welfare of society. He did not mean to question that some inconvenience, and, possibly, some diminution of comfort, and, perhaps, even of happiness, might be felt in the upper classes of society as the result of an alteration in the law; but he had no doubt whatever that the interests of the lower classes of society were very much involved in the alteration of the law, and would be materially promoted by it. That was a consideration of peculiar weight and importance. He did not think it could be seriously contended by any one that an increase of morality had been the result of the law of 1835. The law was disregarded, which was in itself a great evil. Many unworthy attempts were constantly made to evade it, and great misery and anguish of mind were inflicted on persons who did not like to disobey the law, and who had no hope of relief from the distress in which they were now plunged, except in the expectation that the law would be altered. Uncertainty as to the validity or invalidity of these marriages, when solemnised under peculiar circumstances, still existed, and was productive of much mischief. That the law was not successfully evaded by parties who passed from England to Scotland, or from Scotland to England, in the hope of being able thus to elude it, must be evident; but in cases where persons going abroad, professedly with the intention of residing abroad, contracted marriages of this description in foreign countries, and afterwards returned to England, there were serious doubts whether, as the law now stood, such marriages were or were not valid. So that still there was much uncertainty and doubt which it would be well to remove. But the immorality of cohabitation without marriage, and the liability of contracting a defective marriage, did not constitute the only objections to the present system. The Rev. Mr. Garbett, in his evidence before the commissioners, expressly stated that the law of 1835 was liable to the most grave objection, from its tendency to encourage the practice of perjury. The rev. gentleman observed, that the law was disregarded "entirely upon the ground that people have a strong feeling that it does interfere with what may be considered the first natural rights. I think," he said, "the argument 'you ought not to set the law at defiance,' is one which is very difficult to urge upon people when their affections are deeply interested in a manner that religion and conscience do not control. I do not think the law should put persons in such a position." He was then asked, "Do you think that the present state of the law tends to cause false oaths to be taken?" To which he replied—"I am quite satisfied of that. Persons are told by a particular surrogate that they cannot have a license, and they are unprepared for it. Many surrogates do not ask the question; they merely put the affidavit to them, and they take it without thinking what they are doing. I always ask the question, and of course refuse if they are within the degrees; but I know that they go somewhere else and get licenses. They go to a surrogate who is simply content with their taking the oath, which, legally, is all that he is required to do. It is gross perjury on the part of those who do it, provided they understand the meaning of the affidavit, which is not always the case; but you should not tempt them." Most assuredly that was a consideration which ought not to be overlooked in considering the present question in its social tendency. He did not at all deny that the question was a difficult one—and that, all circumstances considered, it might perhaps have been better that it had not been mooted in that House; but, having been mooted, and their attention having been called to it, it was the duty of every Member to give the matter the most serious consideration, and to pursue with reference to it that course which in his conscience he believed to be the best. But, in addition to the social considerations which should induce them to view with favour the proposition for an alteration of the law, it should be remembered that they were not called upon to take any step not warranted by the sanction of experience. They had the experience of other countries to appeal to, and they found that in the majority of the Continental States of Europe, and in the greater part of the United States of America, the practice, prohibited in this country by the Act of 1835, was permitted, and had not been productive of any of those evil consequences which some hon. Members anticipated as the result of the repeal of the present law. Judge Storey, in a letter recently received from him, had stated, that nothing was of more common occurrence in America than such marriages, and that he had never heard a single objection against them founded either on moral or domestic considerations. Moreover, it should be borne in mind that the great body of Protestant Dissenters in this country had expressed themselves in favour of the contemplated change: 108 nonconforming ministers had petitioned the House a few evenings since in favour of the Bill now under consideration; and he believed that not one single petition against it had been presented from the Dissenters. A large portion of the Catholics of this country were also in favour of the alteration of the law, as likewise were a large portion, though not a majority, of the clergy and laity of the Established Church. People ought to be allowed in such matters to act according to the dictates of their own consciences. The present Bill did not propose to coerce their conscientious convictions in any way. It left any man at liberty to pursue that course which he believed to be most consistent with the dictates of morality and the law of God. He hoped that hon. Members would feel themselves at liberty to decide this question with reference to its influence on the interests of society. He hoped that they would be guided in their decision respecting it by the dictates of reason and the lights of judgment, rather than by the impulses of passion and of feeling. He trusted that the appeals which had been made last night to their feelings would not induce them hastily to destroy the hopes of those who, with anxiety, looked forward to the enactment by Parliament of a change in the present law. He had spoken his own opinions only; but having given to this subject the most serious consideration, he had arrived at the conclusion that, for the reasons he had endeavoured to explain to the House, he should best discharge his duty by voting in favour of the second reading of the Bill.

SIR R. H. INGLIS agreed with the right hon. Gentleman the Home Secretary that it might not be desirable to enter into any detailed examination of sacred Scripture in a popular assembly; least of all, in one which did not acknowledge any common authority of interpretation. But there were subjects upon which it was not possible to avoid distinct reference to the word of God. The right hon. Gentleman had stated that if that word were clear upon this question, the decision of the House must be in conformity with it. Now, in regard to the ordinance of marriage, there was in the New Testament no authority whatever, so far as the choice of persons was concerned; and in the most important relation of life it must have pleased Almighty God to leave his creatures without any authority unless we were to take into consideration the Old Testament also. Taking that also, we should find no regulations except in Leviticus; and, taking Leviticus, we must take the 18th chapter. That chapter, warning against certain practices which had polluted the nations of Canaan, conveyed a general principle, that a man should not marry any one that was near of kin to him; but it did not detail every specific instance to which the principle might be applied. The hon. and learned Member for Southampton had told the House that that which was not prohibited was permitted. If that hon. and learned Gentleman were then present, he should ask him, was he prepared to maintain that doctrine to its fullest extent, and apply it to numerous cases—to that case from which human nature withdrew under the influence of aversion and horror? There was a prohibition against a man marrying his own granddaughter, from which the obvious inference had always been drawn that he was not to marry his own daughter. Such a marriage was clearly abhorrent to every feeling of human nature, and therefore the express prohibition might be deemed unnecessary; but surely no one would think of affirming, because it was not prohibited in words, that therefore it was permitted, though marriage with a granddaughter was expressly forbidden. In all cases where links of that kind were wanting, it required but a small exercise of ordinary understanding to supply them. It was fully acknowledged that the marriage of one woman to two brothers in succession was unlawful; and was it more lawful, he would ask, that one man might marry two sisters successively? The present state of the law was censured as an infringement upon liberty—that therefore such a law, like a penal statute, ought to be construed strictly, and they ought not to go beyond the letter of the law. But in the view which he took of the subject, he conceived that he by no means went beyond that which might be considered a fair construction of the law. He felt as much as any one could possibly feel, the delicacy, the importance, and the sacred character of the various subjects which were connected with the present discussion; and he had felt deeply anxious that no discussion whatever should take place. He wished that the decision of the House pronounced seven years ago, when they refused permission to introduce a similar measure, might have been taken as conclusive against the Bill then before them. His hon. Friend the Member for Dorsetshire had been as much opposed to discussing the present question as any one amongst them; but his excuse for entering upon it on the present occasion was that it had been brought under their notice by the report of a Royal Commission. Now, he would come to that commission and its Report, observing, in the first place, that his right hon. Friend the Member for Cambridge had exposed the insufficiency of that report in an argument as conclusive as had ever been heard, and as perfectly calculated to dispel the influence of the evidence laid before the House as any speech which could possibly have been made. He had thought, but his right hon. Friend had proved it impossible, that such a number of cases of the marriage of men with the sisters of their deceased wives could exist as had been assumed in the proceedings of the commissioners. But he never regarded mere numbers as constituting an argument of any importance in a judicial question. They were not sitting there to try the feelings of many or of few; he cared not whether the whole or a tenth part of the persons mentioned were to be affected by the Bill. If there were only one case, it ought to be decided on the same principle as the utmost possible amount of numbers; he, therefore, rose to address the House under the influence of the deepest personal pain; and he should have been glad on any account to have given a silent vote on the present question, if he felt that he could have done so consistently with his sense of duty. Looking again to the report of the commissioners, he would say, that there never had been laid on the table of that House a document so little worthy the authority of the Crown, or of the high and distinguished names which were appended to it. It was informal in every part. The House of Commons was indebted to the hon. Member who represented Dumfries for originating a regulation, according to which every Member of a Select Committee became responsible for the questions which he put. It was remarkable, however, in the evidence now before them, that the name of no individual commissioner was prefixed to any one question; nor had the attendance of the commissioners been in any case recorded; and, finally, what had Her Majesty's Commissioners stated on the matter referred to them? They came to no conclusion whatever. The House was no more bound by their report than by the eloquent speech of one of the commissioners. So far from the report containing any distinct recommendation, it altogether avoided a conclusion, and referred to the possibility of the House either relaxing the existing law, or rendering it more strict than it had hitherto been. The *prestige* of the Royal Commission, then, carried with it no higher importance than belonged to the speech of the hon. Member for Dorsetshire. The commissioners pledged themselves to nothing, and they recommended nothing to the House. There was one point, however, in which he agreed with the commissioners—he referred to that part of their report in which they admitted that the proposed alteration of the law did not concur with the public mind of England. He agreed to that proposition, and he did not believe that the public mind of England went along with the measure then before them. If it were a matter to be decided by the word of God, the question was quite at an end. It was said, however, that the petitioners who came to the House as opponents of the Bill, did not come forward boldly against it on scriptural grounds. Upon the theological part of the question, they, perhaps, hardly knew how to address the House of Commons. Then as to its being a question of ecclesiastical authority, they were told that many of the clergy held different opinions on the point; but the clergy must look to the Church to which they belonged. If they remained in the Church, and accepted its wages, and professed to perform its service, they must accept the interpretation which the Church put upon the Scriptures —they might be better than the Church of England, but if they did not agree with that Church they ought to leave it. They might preach according to the rubric and the canons, and they might enforce the discipline of the Church; but they must not altogether overlook that interpretation put by the Church on the Scriptures. He could not suffer the authority of men, however individually respectable, to be brought forward for the purpose of deciding an ecclesiastical question which the Church had already decided for them. Would any one deny that to be the doctrine of the Church of England which the Bill of the hon. and learned Member for Buteshire professed to set aside? No man acquainted with the rubric, the canons, and the authoritative decisions of the Church of England, would deny that the tables of affinity and consanguinity in the Book of Common Prayer were opposed to the Bill then before them. The tables of prohibited degrees were said to be no part of the Book of Common Prayer; but he must be allowed to say that he had never seen a Church prayer-book without those tables. The two copies used every day in the House of Commons contained, he would venture to say, the lists of prohibited degrees—they were then on the table of the House; those lists were suspended in every church and chapel, and no one could deny that they possessed the sanction of the Church of England. The learned Lord Advocate had said that he ought not to omit some reference to the law of Scotland. Of the law of England he would say nothing. Whatever doubts might exist regarding it some years ago, it was now perfectly clear on the subject. But with regard to the law of Scotland, he begged to call the attention of the House to the fact that on this point it was not merely a municipal law similar to those passed by Lord Lyndhurst or Lord Hardwicke, but that it embodied the confession of faith. In the 5th of the first Parliament of William and Mary the confession of faith was bodily inserted, and was as much a part of that Act as any of its other provisions. It was there stated, that—

> "A man may not marry any of his wife's kindred nearer in blood than he may of his own; nor a woman of her husband's kindred nearer in blood than her own."

No words could be more explicit. The Bill therefore proposed, not only to repeal the municipal law, but also the great ecclesiastical constitution of the realm of of Scotland. And he believed no Scotch Member would deny that the feeling of the clergy and people of Scotland was decidedly opposed to the change now brought forward. It was admitted in the report that it was so with the clergy, and had they added the laity also it would have been no exaggeration. They had heard the right hon. Gentleman the Paymaster of the Forces give notice that night that if the Bill should unhappily be read a second time, he would move an instruction to the Committee that it should not extend to Scotland. He hoped the hon. and learned Gentleman the Member for the University of Dublin would also move an instruction to the Committee that the Bill should not extend to Ireland, for in Ireland the feeling against the measure was as strong as in Scotland. The Bill was in the first place against Scripture; it was also opposed to the law of the Church of England, the law of the Church of Scotland, and the public feeling, both in the one country and the other. The hon. and learned Member for Southampton had delivered an able and eloquent speech; but, able as it was, it began with an assumption altogether unsupported by historical facts; for, in reply to what had been said by the right hon. Gentleman the Member for the University of Cambridge of the great learning, unparalleled in later ages, of those to whom we owed the Reformation, he contended that the state of the law in respect to marriage arose from the foul source of

Henry VIII.'s desire to marry Anne Boleyn. It was not consonant with a correct view of history to say that either the ecclesiastical or civil prohibition was first imposed at the era of the Reformation. It was for their opponents to show that such marriages were ever sanctioned at all; and he defied them to do so. They had, in fact, been prohibited for 1,200 years at least before the time of the Reformation; for 300 more they had been prohibited by the Church of England; and he hoped an opposite principle would not be encouraged by Parliament. He could hardly conceive anything more objectionable than the proposal to make it optional with the clergy whether they would celebrate these marriages or not. His right hon. Friend might if he pleased make marriage a civil contract. Those who were not members of the Church would not complain —and those, who though members of the Church, disregarded its canons might go to the registrar's office, as they might indeed do now. But that in the parish of St. Pancras, where the writer of one of the letters referred to by his right hon. Friend was the able and faithful minister, and in St. Giles's, the adjoining parish, where one of the most active, zealous, and learned of his order, Mr. Tyler officiated—those clergymen should be called on to administer these marriages, the one, perhaps, choosing to do so, and the other not—he asked if, by such a state of things, the interests, not merely of the Church of England, but of religion, would not suffer? There was another important view of the question to which he would shortly refer. This was emphatically a woman's question. In his own personal experience, he had found that the women of England were in an immense proportion opposed to this measure. He did not merely refer to the numbers who had signed a petition to the Queen, but to the fact that everywhere they were to be found against the proposition. He had received a letter from a lady who stated that, having many sisters, she could not, if such a measure as this passed into law, receive them into her house. Her words were to the effect, "I should have been jealous of every sister I had." [*Dissent.*] He did not adopt the language altogether, but he pledged himself to the fact; and the House must deal with men and women as they found them. This lady, who was a person of high character, had addressed a letter to him in which she made that statement. They must, in all such cases, take the feelings of people just as they found them; they might or they might not be such as they wished to extend, but they were still feelings of human nature, and they must act upon them. The lady went on to state, what he had seven years ago urged upon the House, in answer to the argument that, unless a measure like this were passed, many children would be left without motherly protection—that she knew of more than one case where, if the Bill of the Earl of Ellesmere had been carried some years ago, the surviving sister would have left the house which had been for years her home, and the children that for years had been under her care. He believed that, statistically, the number of these marriages must be few, and that what was stated in the *Times* newspaper of there being some 3,000, was nearer the mark, than the statement they had heard of there being 30,000 or 40,000. Then in how many of these cases had the deceased wife asked a sister to be her successor? The probability was that they would find very few indeed. Much of the argument in the House, and more of that which had been urged out of doors, assumed that the only alternative which a widower had was either to marry his wife's sister, or to leave his children in a manner orphanless. Now did it never happen that he had sisters of his own, or a mother, or an aunt, to whom such care might be confided? As to the manner in which this case had originated, he found that it was brought forward by two attorneys. He did not deny their zeal or diligence, but he thought their zeal had carried them far beyond that which duty warranted. When he saw letters addressed to Members of Parliament to know what their opinions were, it gave him an unfavourable opinion of the discretion of those who resorted to such a practice in order to promote any measure. Then, how unilateral was the evidence which had been produced. It had been said that one of the gentlemen who were examined before the commission, a minister of the Church of England, was examined under circumstances not so favourable perhaps to the character of the commissioners as it would have been desirable they should have been. It was said that his evidence was at first rejected, particularly a portion of it; and that afterwards, upon his insisting that either what he said should be recorded, or that he should not be considered a witness at all, the answers which were rejected were reinstated. He mentioned this merely incidentally, as it was one of the many proofs that the confidence bestowed upon the commission and their report ought to be limited somewhat more than the *prestige* of a blue book might otherwise carry. They had not conducted their inquiry with that laborious research which the matters referred to them required; and the result had been a meagre and unsatisfactory opinion, upon which he would defy any man to rest so sweeping a measure, unless he were determined to do it *post hoc*, if not *propter hoc*. He should be most anxious to extend, wherever he could, the reasonable happiness of all his fellow-creatures; but he must not compliment away his sense of what was right; and especially when that sense of right appeared to him to be so plainly dictated by the word and will of God, and when he found that word and will expounded by his own judgment in a manner so unequivocal as to leave no doubt upon his mind. He, therefore, adjured the House to reject the Bill of his right hon. and learned Friend for the sake of the general feeling of the people of England, for the sake of all but the universal feeling of the people of Scotland, and for the sake of the feeling of the people of Ireland, most ably, most temperately, but most firmly expressed in many of the petitions which had been addressed by the clergy from that part of the empire, and, indeed, by some of the evidence which appeared in the appendix of the report. But he would adjure the House, from higher considerations than any which affected the personal feelings of the day; for, if it were true, as he believed it was, that the measure now proposed was contrary to the word of God; if it were true, as he was sure it was, that it was contrary to the mind and will of the universal Church—for no church whatever could be found to sanction these marriages, till within the last 300 years, and it was the only question of discipline upon which the interpretation of all the great churches entirely coincided—if it were true that the Church of England, the Church of Scotland, the Greek Church, and the Church of Rome, differing as they did on so many other points, all concurred in this; if it were also true, as he believed it to be, that this was emphatically a woman's question—and that the feelings of the women of England were heartily and strongly against the measure; if these things were true, then on these considerations he did adjure the House not to disturb a state of things which had so long existed; and, for the sake of a few, however amiable, however excellent persons, and however painful it might be to refuse them, not to sanction a measure which, as he conceived, would violate the law — which, as he believed, was contrary to the mind and will of the Church—and which, as he well knew, was against the feelings of the great mass of the people of this country.

Debate further adjourned till Tuesday next.

House adjourned at half after Twelve o'clock till Monday next.

HOUSE OF LORDS,

Monday, May 7, 1849.

MINUTES.] *Took the Oaths.*—Several Lords.

PUBLIC BILL.—2ª Exchequer Bills.

PETITIONS PRESENTED. By the Marquess of Londonderry, and Earl Delawarr, from Mayfield, Hastings, and a Number of other Places, against the Navigation Bill.—By the Marquess of Lansdowne, from Dundee, Southwark, and Deptford, in favour of the Navigation Bill.—By the Duke of Richmond, from Ashby-de-la-Zouch, for the Restoration of sufficient Protection to the Agricultural and Manufacturing Interests.—From Liskeard, for a Revision of the present System of Taxation.—From the Chesterton Union, for a System of uniform National Rating.—By the Earl of Harrowby, from Darlington, Liverpool, and Newcastle-under-Lyne, against the Granting of any New Licenses to Beer Shops.—From Southwark, for the Suppression of Sunday Trading.

NAVIGATION BILL.

Order of the Day for the Second Reading read.

The MARQUESS of LANSDOWNE rose to move their Lordships to give a second reading to a Bill for the repeal of the navigation laws, or more correctly, for the repeal of such portions and fragments of the navigation laws as then existed and were in force. In making that Motion, he felt relieved in some degree from the necessity of entering into that mass of details which the subject might appear to require, by the recollection that most of their Lordships must be familiarised with it, not only by the repeated discussions which had taken place upon it elsewhere, but also by the inquiries which had been instituted by a Committee of their own body. At the same time he felt, and he felt very sensibly, that he had opposed to him, on the present occasion, feelings in which he himself participated, and prejudices, if they were prejudices, which he could not but respect, because they were feelings and prejudices connected with the attachment which every Englishman entertained for the naval service of his country, and were founded on the belief, the erroneous but perfectly sincere and honest belief, that the present Bill would be prejudical to that force on which they thought the country relied, and ought to rely, for the preservation of its rank and importance among nations. He, therefore, felt it to be incumbent upon him to disabuse, if he could do so, those who entertained such prejudices; but before he entered on that part of his subject, it would be of advantage, and would tend to shorten the discussion, if he adverted at once to some points upon which he considered that all their Lordships were to a great extent agreed. He imagined that there were few persons in that assembly prepared to dispute, that it tended to the wealth of a country, as it did to the wealth of an individual, to obtain what he desired, and to send what he was willing to part with, by the cheapest and most convenient means. That being admitted on the one hand, he was prepared on the other to admit that, although that was a maxim and a principle which it was impossible to contradict, it contained, nevertheless, a principle liable to exceptions, and that, just as their Lordships were justified in suspending the liberties of individuals under particular circumstances, for the purpose of obtaining that without which liberty could not be enjoyed—security; so were they justified, in a matter affecting the wealth of the country, in considering that that wealth could not be permanent or secure, if they were not prepared to sacrifice a portion of it to give permanence and security to the remainder. He was prepared to show that the permanence and security of the national wealth would not, according to the experience which our present knowledge of the subject afforded, and according to all sound reasoning based upon it, be subject to any danger from this Bill, or be impaired in any respect by its provisions. He was also prepared, before he stated the nature of those provisions, to state at once what the history of that law had been which their Lordships were now called upon to consider with a view to its repeal. He undertook to show that the law, whilst it acted as an impediment to commerce, had long ceased to be an assistance to the Navy of the country. He was not about to fatigue their Lordships by entering into all the changes of the navigation laws since their first enactment; but he would just advert for a moment to the fact that the first attempt at a navigation law in this country was so early as the reign of Richard II., and that it was then attempted to confine the commerce of the country by enactment that no subject of the King should ship any merchandise outward or homeward, "save in ships of the King's allegiance," on penalty of forfeiture of vessel and cargo. In the very next year this enactment was found to be destructive to the commerce of the country; it was, therefore, determined not to carry it further; and another Act of Parliament was introduced for the purpose of repealing that law. Why did he mention these laws? Because they appeared to be founded on the national feeling of the period; because they were but the types and foreshadowings of the policy which had since been removed from time to time; and because they originated from the feelings which still pervaded the national mind of this country, and which was natural to the mind of every people—namely, a desire to grasp at everything which could be obtained in the way of commerce—a desire, nevertheless, which had never been indulged without superinducing, again and again, its own punishment. The resurrection of that desire, at various times, and under various phases, had proved to the world how difficult it was, both for nations and for individuals, to learn that the commercial prosperity of any one country must always be built on the commercial prosperity of other countries; and, accordingly, every attempt which had been made to insure a monopoly of commerce to this country had wretchedly and totally failed. These attempts had been renewed again and again. But the first attempt to secure the exclusive possession of commerce for the subjects of this realm which he should now notice, was made in the reign of Henry VIII. That Sovereign carried the principle of protection so far, that having first enacted, for the benefit of the shipowner, that no person should buy or sell any wine of Gascony unless it were imported in an English vessel, he afterwards protected his subjects from the rapacity of the shipowner, by limiting the quantity of freight to be imported in each vessel, and thus created an immense amount of confusion, inconvenience, and loss. Edward VI., finding that that measure, instead of promoting, was restrictive of the increase of English shipping, repealed those enactments by a statute which was characterised by a simplicity of expression indicative of the youthful innocence of the Sovereign. That statute set forth by reciting that these attempts had proved restrictive of commerce, that it had been discovered that foreign commodities, and more particularly the wines of Gascony and the south of France, had become all the dearer in consequence, and navigation never the better; and it was therefore enacted, that these laws should be repealed. He would now come to that time when the law was passed which was more usually and generally known as the navigation law. That Act, as their Lordships knew, originated in the protectorate of Cromwell. But at that time they did not originate so much in views either of a commercial or political character, as in a desire to punish the Dutch for the support—the loyal support—which they had given to Charles I. They were intended to act as a bridle on the Dutch, and to punish them for the loyalty which they had displayed to a dethroned monarch. Looking back at the history of those times, and at the peculiar circumstances in which the country was then placed, and at the effects which might have been produced by giving a stimulus to our marine force, and by enabling it to carry on the operations of war against Dutch commerce, he was not inclined to assert that there were no grounds for trying the experiment how far the national arm could be strengthened by restriction, and how far the naval force and power of the country could be increased. He was inclined to think that at that time there was good ground for trying such an experiment; for the relations of England with Holland at that time were just the very reverse of what they were at present, the very reverse of what they were now, both with regard to the extent of marine, and to the amount of commerce; for Holland at that time was a deadly and powerful rival to the power of England. He implored their Lordships not to allow themselves to be run away with by the idea that the experiment which we made in the time of Cromwell, for the purpose of breaking down the power of the Dutch, and increasing our own naval power, was an experiment entirely successful. It was quite the contrary. On that point, he was able to call into court a most unexceptionable witness, for no man was able to give better evidence upon the subject than a witness who had been for many years a Secretary to the Admiralty. What time did their Lordships consider to be sufficient for an experiment of this kind to be tried, with a view of determining upon its success? Did they think that ten years would be sufficient? If not, did they think that fifteen years would produce more conclusive results? Well, he would tell their Lordships what had been the result after the law had been fifteen years in operation. He had, in common with many of their Lordships, been delighted with reading one of the most instructive as well as one of the most amusing books ever published, he meant the *Diary of Mr. Secretary Pepys*, which had recently been edited by a noble Member of their own House. This was what he found that acute functionary mentioned respecting the difficulties occasioned by the operation of the navigation laws. Mr. Secretary Pepys said, he was mightily troubled to meet with any reliable person to give him information. He could find none but persons wholly unfit, although of very good fashion, which was a shame to England. "It was very pretty," he said, "to observe that the persons one met in all parts of the streets were only women," and that no man was to be found there; "for the men," added he, "find it impossible to go there without incurring the danger of being pressed." "Mr. Coventry"—who was one of the ablest men of his day—"did tell me," said Mr. Pepys, "that he intended to recommend the suspension of the navigation laws, for the benefit and advantage of commerce." So much for the operation of the navigation laws in the time of Mr. Pepys. He hurried over the reign of the Stuarts, although, during the whole of that time, those laws were enforced, and with some show of success, inasmuch as at the accession of William III. the commerce of the country had increased to a certain extent. After the accession of the House of Hanover, things took a different turn. The House of Commons then felt the inconvenience of the navigation laws, and three or four Bills called Import Bills, were introduced, to allow foreign ships to be admitted into certain of our ports. So we went on, until, at the close of the American war, Mr. Pitt came for the first time into office. Mr. Pitt—a name which he could never allude to without great respect, and for which many of their Lordships felt a superstitious reverence—Mr. Pitt, on coming into office, was convinced of the necessity of introducing fresh relaxations into the navigation laws, in consequence of the state of things then existing. When did he do that? When did he entertain that proposition? Mr. Pitt made a proposition to that effect at a moment when, beyond all others, the importance of the Navy of England to the security of England had been tried and proved. He made it at the close of a war in which the laurels of England, tarnished by the unfortunate war which she had carried on by land in America, had just been redeemed by the glorious victory of Rodney in the West Indies, and by the relief of Gibraltar by Lord Howe at the head of the Mediterranean fleet—victories which established the naval supremacy of England, rescued her honour from disgrace, and enabled her to make, after all her disasters, a satisfactory peace. Was that the moment when a wise and patriotic Minister would voluntarily lay irreligious hands on that sacred ark, as some still consider the navigation laws to be, on which the security of the Navy, and consequently the security of the country, rested? Mr. Pitt, nevertheless, in that state of things, saw the necessity of opening our colonial trade, and introduced a Bill for that purpose, which did not pass at the moment, because he went out of office; but the object of which was pursued long afterwards by successive Administrations, and was the subject of successive Acts of Parliament. He now came down a good way further, to times within his own recollection. It so happened that one of the very few measures which he had the honour of assisting to bring into the other House of Parliament, was an Act to establish in 1806–7 a free intercourse between the West Indies and America, and he had the honour of sitting in that House with one of the most able lawyers and consummate orators who ever adorned the debates of Parliament—he meant the late Sir W. Grant—whose convincing eloquence always produced the deepest impression on his hearers, as he expressed his own convictions in the most clear and lucid terms, and whose premises, when he was right, regularly led to the most logical and irresistible conclusions. Now, Sir W. Grant had persuaded himself, or had allowed himself to be persuaded by others, that this American Intercourse Bill, because it attacked the principle of the navigation laws, must be fatal to the commerce, and, above all, to the colonial intercourse of this country; and there was no language in which any noble Lord, or even any learned Lord, could arraign the Bill of the present night, so strong as that in which Sir W. Grant, according to his (the Marquess of Lansdowne's) recollection, which he had recently refreshed by a perusal of his speech, arraigned the provisions of the Intercourse Bill of 1806. He indulged in the most confident predictions as to the results of that measure, stating that, if it were passed into law, there would be an end to the employment of all the shipping engaged in the West Indies. He further stated that there would be such inducements to America to undertake the conveyance of sugar, that it would be very doubtful whether a single hogshead of it would ever be again imported into this country in British vessels. Remembering the predictions which he then uttered, and the powerful eloquence with which they had been delivered, he had had the curiosity to examine what had been the consequence of a Bill so denounced by the merchants of the metropolis and the outports, and by Sir W. Grant. He had made a comparison of what had occurred one year after the Bill passed, and what was the state of things at the close of the war. In the year 1807, the registered tonnage of English shipping was 2,096,000 tons; at the end of the war it was 2,247,000. Thus an increase of nearly 200,000 tons had been made in our shipping in a few years under the operation of an Act which, according to these predictions, was to prove the destruction of the British Navy.

The Duke of RICHMOND: Yes, but at that time there was war with all foreign nations.

The Marquess of LANSDOWNE said, he had now brought down his historical summary to the system of law with which their Lordships had now to deal. He requested their Lordships to look at the altered shape of the navigation laws, "if shape that could be called which shape had none." Now, although many of their Lordships believed, and many thousands who had signed the petitions on the table believed, that they were living under a complete code of navigation laws, he would undertake to show those who asserted that British commerce was now clothed in a suit of impenetrable armour, that it was only clothed in a garment of shreds and patches—a garment which, instead of being ample enough to defend it from injury, was the most imperfect for protection, if protection it could be called, of any which could be manufactured out of the fragments of the statute books. He would inform their Lordships of the protection under which commerce was now placed; and sure he was that they would be surprised at hearing that some of the most respectable witnesses summoned before their Committee had with great candour and simplicity avowed, that until they looked into the Bill they did not know how small was the protection which they legally had. They stated that it was impossible for them to have imagined that the trade of the country could have gone on, shorn as it was of that protection under which they thought they had been trading, and the absence of which they had never discovered, because they had never felt any inconvenience arising from the want of it. He held in his hand an account, with the details of which he would not trouble their Lordships—for if he did he should be addressing them till midnight, and even then would not be finished—he held in his hand, he repeated, an account of the conflicting laws and treaties by which our navigation laws were now confined and embarrassed. We had various treaties limiting and controlling those laws; we had treaties with the United States, with Mexico, with Bolivia, with Columbia, with Venezuela, with Buenos Ayres, with Russia, with Prussia, with Denmark, with Norway, with Sweden, with Hanover, with Holland, with Belgium, with France, with Portugal, with Spain, with Italy, with Greece, with Turkey, with Morocco, with the Hanse Towns, &c., all of them more or less violating the principles of the navigation laws. Let not any of their Lordships run away with the notion that these treaties were all alike—they were no such thing—they were infinite in their variety. Of these treaties some were permanent, others terminable; some were on the principle of the "favoured-nations treaties," which was inconsistent with the reciprocity clause of the Navigation Acts. Others, not so. There were two treaties establishing equality of charges; there were four continuing an inequality of charges on British and foreign shipping. There were three treaties granting liberty to foreign vessels arriving in our ports to engage in voyages from them to other countries. All these treaties had covered the navigation laws with such a mass of confusion, difficulty, and inconvenience, as to render it not surprising that those who had an interest in rooting out their meaning, could not make out upon what principle they proceeded. That very circumstance had suspended the efficacy—if ever they had any efficacy—of the navigation laws enacted by Cromwell and by Charles II. What, then, had been the general result of their legislation in doing away with protection in this piecemeal manner? It was this—that as we had concluded the treaties to which he had referred, the amount of English shipping and of English commerce had proportionally increased. It was in time of peace, too, that this result had taken place—a result which, he trusted, would be satisfactory to the noble Duke (the Duke of Richmond), as well as to the noble Lords around him. He would prove what he had just asserted by referring to what had occurred during the last twenty years, whilst the relaxation of the navigation laws was continually going on. In the year 1816 the registered tonnage of England was 2,783,380; in the year 1848, up to the latest time at which the accounts could be made up, it was upwards of 4,000,000. That, certainly, was not a proof that these alterations had either stopped the construction or diminished the employment of British shipping. But it might and most probably would be said, that in that interval the trade of the rest of the world had increased in the same proportion. He was glad that it had done so; he was glad that the prosperity of England was not built on the ruin and misery of other nations; he was glad that, whilst our marine had gone on rapidly accumulating, the prosperity of other nations had also been increasing; for he was well assured that such an increase would only lead to fresh exertions on the part of Englishmen to maintain their commercial, as they had hitherto maintained, and would always maintain, their maritime supremacy, and would open up fresh sources of prosperity to this country. But if he should be told in the course of this debate, as in all probability he would be told before its close, that the English shipowner and the English merchant could not continue to compete with the foreign shipbroker and the foreign merchant, and that they required this miserable remnant of protection to bolster them up in so unequal a contest, he would, in that case, call the attention of their Lordships to the way in which the British shipowner had fared in those voyages in which he was supposed to be most exposed to competition. He had now before him the relative amounts of English and of American shipping. One of the apprehensions entertained in consequence of this Bill, was stated to be the increase which it would give to the great commercial power of the United States. The Americans had greater facilities in procuring timber than we had, and that would give them greater facilities for engaging in trade; and it was predicted, that the consequence of that would be highly detrimental to English shipping and trade. For many years in the direct voyage between England and the United States, the English shipowner had gone on unprotected. What had been the issue? In the year 1836, the tonnage of England engaged in that traffic was 554,774, and of America, 1,255,384. In 1848 the amount of English tonnage was 1,177,000, and of American, 3,393,000; showing not only that the English shipping had maintained itself in competition with American shipping, but that at this moment there was a greater proportion of English shipping engaged in the trade. Then, with regard to the carrying trade, that trade was more advantageous to other countries than to the united kingdom. The goods carried were imported from other countries into the United States; goods which were not introduced into England, but which were wanted in America. Now, what was the proportion of British and foreign tonnage employed in this trade with the United States? In the year ending the 30th of June, the tonnage of British vessels entered in ports of the United States was 1,177,000, and of ships under all other flags 208,000 tons, so that English ships were employed to nearly six times the extent of all other foreign ships, although foreign shipping was, with respect to this trade, precisely the description of shipping which it had been contended was likely to vie with the shipping of this country. He found, that of 100 ships engaged in trade to the United States, there were of United States' vessels, 63; of British vessels, 31; and of ships of other States, 6; so that the advantage British shipowers had obtained, in this unprotected trade, without any assistance from the navigation laws, had amounted to 30 per cent. He thought, then, that, looking at these facts, the British shipowners might confidently rely upon being able to maintain their ground against the competition of foreign shipping. He had received a few days since a letter from a most respectable shipowner in this country, who said, with reference to this subject, that he had owned a great number of ships which had been engaged in trade with most parts of the world, and the result of his experience was, that no ships got such good trade, or made such profitable voyages, as those which sailed between two foreign ports; as, for instance, between the Mediterranean and Brazil, or between Cuba and the Baltic. He found, also, with regard to the Hamburgh trade, that English shipping bore a very large proportion to the shipping of all European Powers carrying on trade with the Elbe. He would further ask their Lordships to look at the case of Russia and the States on the Baltic, where it was said our shipping would be exposed to peculiar danger from the competition it would have to encounter. In those countries timber was cheap and wages very low—circumstances which, it was contended, would be most fatal to the competition of English ships. He found that the total amount of British shipping engaged in trade to St. Petersburgh was 228,000 tons, and of shipping from Prussia and all other countries besides England, 221,000 tons; so that in the very heart of the country which possessed these advantages of cheap timber and low wages, in spite of those advantages, and without any protection, British mercantile commerce had maintained such an ascendancy that he thought it would be unreasonable in them to indulge the hope that it should have a greater ascendancy. He considered that they had in these facts the most convincing proofs that there was no ground for the apprehension that the shipping of this country would be unable to compete with the shipping of other States. The advantage of the British shipowner was in the permanence of his materials—in the durability of the vessels which he built; and upon that we had hitherto relied, and might still continue to rely. But, it might be asked, why should this be chosen as the moment for introducing such a change, when they had no complaint to make? Their Lordships must not assume that our treaties with other States were to be of perpetual duration, or that our present relations with those States must necessarily be continued, or that our colonies would be satisfied with things as they were. There were at this moment English ships to the tonnage of between 220,000 and 230,000 tons engaged in direct trade under treaties, the whole of which trade would be cut off if those treaties were not renewed. They had hitherto been compelled to go on step by step, affording privileges to different countries, in consequence of treaties which compelled them to put those countries on the footing of the most favoured nations; and they were now engaged in discussions with Holland as to whether the license which had already been given with regard to the ports of the Elbe should be still further extended. Such discussions would not only be terminated by the measure before the House, but they would be terminated in a way satisfactory to all parties. This was the case with regard to European Powers — to Continental States; but he would ask their Lordships to look also at the colonial question. The British colonies called upon this country to confer upon them those advantages which the repeal of the remnant of the navigation laws could alone afford. The West India Islands were subjected to the greatest difficulty from the want of a measure of this nature. Canada also said that the whole trade of the St. Lawrence depended upon it; that she was at this moment engaged in a difficult competition with the United States, in consequence of canals having been opened, and means afforded, the effect of which was to draw the Canadian commerce from that province, and to carry it through the United States; and that nothing but the perfect opening of the St. Lawrence could enable her to retain her own trade. If they refused to Canada this advantage, could they expect the colonists to remain contented? He would say that they could not. He asked them then to give to Canada the free use of the greatest element of wealth that she possessed, and to enable her to carry on a valuable and important commerce, instead of refusing to admit her claim upon that broad principle which alone could cement her connexion with this country—a connexion which, he trusted, would always be maintained, but which, if it was to be maintained, required that they should consult her commercial interests, and show themselves not indifferent to her prosperity. With regard, therefore, to Europe, to the West Indies, and to Canada, he conceived that this country was bound, without further delay, to evince its disposition and intention to adopt such measures as would give full scope for the development of all their resources. In his conscience he believed they could do this with perfect safety. He believed that monopoly stood in the way of all commercial prosperity. They had had, not very long ago in the history of the world, a striking example of this truth. They had seen acting his part upon the stage of Europe the greatest monopolist that ever existed. They had heard Bonaparte avow, when in possession of the enormous power which he wielded, that his objects were to obtain ships, colonies, and commerce. He conquered one-half of Europe; the other half he seduced or entrapped into negotiations; he could create monopolies everywhere, and he was unscrupulous in so creating them; but the genius of English commerce overcame all those monopolies. Ships he could not get; colonies he could not acquire; commerce he could not establish; but this was not the consequence of the British navigation laws. No; it was because British commerce and enterprise were of such a nature that wherever they found a footing—and, in spite of restrictions, in all parts of the world they would find a footing—they established themselves, even in spite of edicts enforced by a million of bayonets, and were conducted with glory and success. He, therefore, earnestly advised their Lordships to rely upon the energy of this country, and the means at their disposal. He was convinced, if they did not pass this Bill, not only that the position of this country would not be better than it was now, but that it would shortly be incalculably worse—that they would lose, and must inevitably lose, much that they had gained; while, if they did pass the measure, they had the prospect of that extension of commerce throughout the world which must immediately, or at all events ultimately, follow the removal of the restriction which fettered the intercourse of nations. He now asked their Lordships to give a second reading to this Bill; and, as the noble Lord opposite (Lord Stanley) had stated plainly and manfully that he was prepared for the consequences of its rejection, he hoped that he (the Marquess of Lansdowne) might be permitted to state for himself and his Colleagues that they also were prepared for the consequences of a hostile vote upon that question.

Lord BROUGHAM:* My Lords, I rise under feelings of great anxiety to address your Lordships this day, although with the conscientious and deliberate conviction that in the course which I am about to adopt, I consult the best interests of the country. But when I express how anxious I am, let me exclude at once from what may be fancied to form any ground of this feeling, the supposition that I can regard my former conduct upon questions of commercial policy either before I entered Parliament, or while I had a seat in the Lower House, or since I ascended to the high honour of a place among your Lordships, as in any degree whatever at variance with the course which I intend now to pursue. I have, indeed, not many hours ago, been thus taunted, in quarters from which such a taunt did come upon me somewhat unexpectedly—used, as I have been, to strange political evolutions—accustomed, as a long Parliamentary experience has made me, to extraordinary feats of agility among statesmen and their followers; yet I own, with all this experience, the taunt did come with the attribute of novelty, and the zest of surpassing all expectation, when in such quarters, of all others, it was wondered at, that I, of all men—I, who had ever been the advocate of free trade, the friend of unrestricted intercourse among nations; I who had lately signalised myself (for a sneer is generally wrapt up in a compliment, the one often as worthless, because as groundless, as the other)—who had signalised myself by joining in a great victory over the exploded policy of unenlightened times, did not join now in placing the crown upon the column of liberal policy, which I had helped to rear—that I, the apostle of free trade, should, in the eleventh hour, and on the eve of its final accomplishment, turn round against it. I will not retaliate, and dilate upon inconsistencies; the temptation is strong, but I will resist it. [*Cheers from the Protection party.*] I perceive, my noble Friends who differ with me on this subject would urge me on to yield, difficult as I find it to resist; but resist it I will. I will only say, that I glory in what forms the subject-matter of the taunt; I glory in having obtained those immortal victories over antiquated error; in having made to triumph the soundest principles of political philosophy, sweeping away the groundless prejudices by which its progress was obstructed heretofore. But, if there is any one passage of my political life dearer than another to my remembrance—any one drop in the cup of exultation more peculiarly sweet to my palate—it is the recollection of those worthy, able, eminent persons, leaders of the revilers, the distinguished statesmen whose support I enjoyed after passing a long life in opposition to them on this very question, and who crowned themselves with honour by abandoning their own errors to join me in vindicating the truth. But, after all, it is not now with me as it was with them; I am making no change at all in my opinions; I am in no one particular swerving from the path wherein I always have walked. The present measure is one of incalculable importance, and its great magnitude alone fills me with anxiety. I feel its bearing on the best interests of the country, her defence, her very existence, to be close and clear. This it is that alone makes me anxious, when I reflect how the opposition to it may suffer in my hands. On no other score can a moment's anxiety be felt by me. I utterly deny that the question of its merits has the least connexion with the free-trade controversy. The speculation of gaining a few stray votes in favour of the Bill may have seduced some who knew better to couple the policy of the navigation laws with that of free trade, to which it bears no affinity, because it is possible that some noble Lords who have opposed the corn laws and voted for their repeal, may be drawn unthinkingly to vote for the present Bill, on the false representation that it rests on the same foundation with that repeal. But who was the first patron of the free-trade school—the apostle of that faith? Whose works formed, as it were, the scriptural volume, the text-book of authority for all the disciples of that doctrine—all political economists of that sect? Unquestionably Adam Smith, author of the *Wealth of Nations;* and yet he distinctly gives his testimony in favour of the navigation laws—holding defence of more importance than opulence, and therefore, while he admitted that those laws tend to abridge the accumulation of wealth, declaring that they are to be respected as "the wisest of all the commercial regulations of England." Practical statesmen of the most liberal views have adopted the same opinions. The reverend founder of the American republic held these opinions. The first speech of Washington to the Congress, in 1780, earnestly recommended to their consideration "the encouragement of American navigation, so as to render our commerce and agriculture less dependent on foreign bottoms, which may fail us at the moment most interesting to both these great objects." He adds, that "against this evil, their fisheries and the trade in their own produce, afforded abundant means of guarding." Many years later, Maddison, a zealous disciple of the liberal school, and going much further than his illustrious predecessor, for he was of the democrat and not the federal party, professed the same opinion, and gave the same advice. Admitting that commerce might suffer a temporary embarrassment from the navigation law, he yet said, that any burden "on the community, however oppressively it might weigh on some parts, was well worth bearing, as it would secure the country from burthens that were greater." And he proceeded to show the absolute necessity of acquiring a maritime strength for their defence and the protection of their commerce. Last of all comes Mr. Huskisson, whom the authors of this new policy pretend to follow. Nothing can be more distinct than his opinion, delivered at the very moment he was propounding his free-trade measures—so different from the one before us — "Commerce and marine may be opposed to each other; and then there cannot be a doubt that trade and its interests must give way to the creation and maintenance of a mercantile navy."

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* From a report published by Ridgway.

Differing, however, from all their high authorities among free-traders, philosophers, and statesmen opposed to them, and opposed above all to him whose name the authors of this measure most ostentatiously put forward on every occasion, Mr. Huskisson, my noble Friend denies wholly the merits of the Navigation Act, regards it as a measure of barbarous policy, unworthy of an enlightened age, almost of a civilised State. Nay, in his unsparing animosity to that great law, he is not content with holding that we have outlived its uses, and with contending that it is no longer adapted to our times and our condition; he must needs go back to its origin, and deny that it ever deserved any of the praises which it has received from all—from philosophers as well as from statesmen. My noble Friend takes us to the reign of Charles II. and to the *Diary of Pepys*, by which he says, it appears that within fifteen years after the Act passed, we suffered so much from want of seamen, that men called out for its repeal. My Lords, I'll tell my noble Friend for what men called out, and what occasioned our want of seamen. They wanted wages as well as statutes to obtain sailors. Charles had other uses to make of his money than paying the men; his other expenses drained his funds, so that the sailor, receiving no pay, rendered no service; and then the "Merry Monarch" holding it dangerous to feed men highly, who had no money in their pockets to meet certain charges which a generous diet might render needful, while he withheld the hire, lowered the scale of living. So that voluntary entering into his navy ceased to be a usual practice, while their sovereign had dispersed his supplies among those whose company he prized more than he did the manning of his fleets. This economy was what caused the want of seamen; the relaxation of this monopoly of supplies was what the people called for, not the relaxation of the colonial monopoly.

Now, with regard to statistical arguments, some few of which the noble Marquess dealt with, I confess I have great distrust of all such reasonings on questions like the present, chiefly because in all my experience, now not of very short duration, ever since the great controvery on the Orders in Council, 1808, I have found how insecure all details of mere figures are upon which to build an argument. I well recollect the long discussions of 1808, and again of 1812, on that unhappy aberration of our mercantile and belligerent policy—I remember again the debates on commercial distress in 1817, in 1822, in 1843—and I remember those on financial difficulties in 1816 and 1842. In all these contentions it was my fortune to bear a part; but we never found any certain guide in the mere details of statistical returns; and indeed, whether it was from the reports of the Board of Trade, or from those of Mr. Irving, the inspector of the Customs, or from the tables furnished by the Treasury, the lively impression was made on all minds, which now in some survives the heats of those days, that there was hardly anything which might not be proved by such documents; that they could be used equally by both sides; that, in short, you could prove anything and everything by their assistance. Indeed, I have heard it said, "give me half an hour and the run of the multiplication table, and I'll engage to pay off the national debt." It is easy to add a little here, and subtract a little there; gently to slip in a figure, it may be a cypher, among your data; slyly to make what seems a reasonable postulate in your premises, but which turns out in the result to be a begging of the question—and behold you gain your point, and triumph, until it is found that your adversary, having access to the same stores of arithmetic, just proves his case and refutes yours with the same facility. So much for statistics in general, when severed from sound principle and plain reasoning. But how much less to be relied on as the grounds of argument are those tables, which are manufactured, not generally, not indifferently, not as the lawyers say, *ante litem motam,* but in the heats of a controversy, and prepared by those in the employ of one party! To trust oneself among such details as these, would truly be perilous in the extreme. My noble Friend has fared forth into the labyrinth—the pathless archipelago—with such bad success, that his fate serves to warn me how I venture to follow his perilous course. But there remains to deter me, like a beacon on the same coasts, the sad wreck of another adventurer, the good ship "Board of Trade, G. R. Porter, master," cast away on the shoals of those faithless waters. We have access to the logs of these navigators, and can judge how they miscarried. I must give your Lordships an extract or two just by way of example. My noble Friend has talked largely on the comparative progress of English and of American shipping—the former amounting to so much tonnage and men, the latter to so much less. But it so chances that he, following his predecessor, Mr. Porter, takes the whole of the one and only part of the other, and thus makes out the result which suits his argument. Upon this little circumstance being discussed in your Lordships' Committee, the noble and gallant chairman (Lord Hardwicke), whose absence we have such reason to lament to-night, except that we know him to be well employed in his country's service, and in a way to show him a powerful negotiator with his guns as at Genoa so elsewhere; put this question to the witness, after stating the entire difference of the two returns, the difference between total in the one, and partial in the other: "Then consequently these returns are not to be taken compared together, as showing in any degree, the comparative value of British and American tonnage." Mark the deplorable answer of the hapless Mr. Porter, "Certainly not." Again, "Have you any means of making such an addition to the American tonnage as may may lead to a fair comparison?"—"I am not sure that I have; I rather think I have, but I am not certain." He is then asked as to the amount of the trade, and I believe, but cannot be quite certain, that he gives it by approximation at 215,000 tons. My noble Friend on the cross bench (Lord Wharncliffe) reminds me of the cooking of returns. But here we had called up the cook to examine him. We asked, "Is this dish pure?"—"Not at all," he answered. "Is it nutritive?"—"Nothing of the kind." "Is it safe and wholesome to eat"—"Certainly not." "Have you any means of correcting its poison by an antidote?"—"I am not sure; I rather think I have, but I am not certain." My noble Friend dwelt at large on the reciprocity system. Having occasion to leave the House for a moment, I found him on my return reading over with much emphasis a list of countries with which we had such arrangements; and at each name he drew forth a cheer from his supporters, men of much zeal and good voice, but small reflection—as if each treaty furnished an argument for the Bill, and against the existing system. But these treaties were all respecting differential duties; all of them were grounded on the comparatively sound principle of only relaxing your monopoly with those States who agreed to relax their restrictive laws; they were framed to obtain a *quid pro quo;* they measured the advantages surrendered by the correlative advantages acquired; whereas your present scheme is to give the *quid* without the *quo;* to sweep away all restriction at once with every country, before you secure an equivalent from any one; and, so far from proportioning your sacrifice to your gain, to sacrifice everything before you gain anything. This is the precise comparison, the contrast between the policy of Mr. Huskisson, which you profess to follow, and your own—the copy is the very opposite and not the imitation of the original. As to the noble Marquess's comments upon the Russian trade, of which he stated so large a share belongs to this country, though unprotected, he must have entirely forgotten that the exclusive foreign laws which restrict the intercourse of Russia with foreign States, co-operating with our own laws regarding the indirect or carrying trade, give perfect protection to our commerce with that country. Thus France and other countries cannot import Russian produce into this country; we can only take it direct in Russian or in British ships; and as Russia has few or no ships of her own, it all comes in ours.

But on the statistics of the protected or unprotected trades, it is that the greatest errors have been committed by my noble Friend's authorities. It is among these shoals that Mr. Porter has left his wreck as a beacon to warn us how we follow his course. He no doubt had steered to the best of his ability, and quite conscientiously been cast away, but that he acted under the bias of a strong prejudice in favour of his ally and relative, the author of the present Bill, is very much to be suspected—for we all know that the Bill is really Mr. Ricardo's, who in 1847 moved the Committee on the Navigation Laws, the Government being afterwards pushed on by their supporters, impatient at seeing them hold their places and do nothing. Now anything equal to the errors into which they and their prompters have fallen, I never did see in all my experience of figures and returns. In the comparative table of protected and unprotected trades—framed to show how much more the former or the latter had increased—there were, first of all, placed countries with which we have the reciprocity treaties. Why, that is a species of protection by the very force of the term, though a modified protection. Next, there were placed countries with which we have no such treaties at all, and our trade with which is therefore wholly protected by the navigation laws—we there find Tuscany, the Roman States (if indeed there be any trade driven there but sedition and pillage), Gibraltar, Malta, the Ionian Islands, Ceylon, Java, Sumatra, the South Seas. The tonnage of these trades together amounts to no less than 350,000, or nearly one half of the lesser sum, 840,000, which the concoctors of the table are comparing with 1,600,000—so that the error committed is nearer a half than a third of the very difference in question. How can any rational man place the least reliance upon tables thus framed, and thus abounding on their face with errors the most fatal? Their great concoctor is asked about these errors, and he cannot deny them—so he says, the heading of the return is wrong, and that instead of "unprotected," it should have been "less protected." Indeed! But that is just giving up the whole value of the table, and making it utterly useless, utterly unfit to be the ground of any inference whatever, utterly foreign to the present question. For, observe, I can understand what is meant by a trade unprotected by the navigation laws, and compare it with one that is protected; but a trade less protected, how am I to define it? Less protected than what? Why, than a trade that is more protected! What does this tell me? What makes more, what less? How can we possibly compare them together? All depends upon how much more and how much less, and this Mr. Porter does not affect to show.

But this is not the worst of it by a great deal. We are told to look at the carrying trade, and to see what a mass of shipping is at the mercy of foreign Powers. Large sums are here conjured up by the enchanting wand of the Board of Trade; and when I come to sift these sums, I find a mis-statement that is absolutely incredible. The amount of 215,000 tons is stated, and how is this made out? The whole ships to prove this tonnage are 47, and their actual tonnage is 7,001, and no more; but they make 31 voyages each in the year, so away go the calculators, and multiplying 7,000 by 31, give us 214,000 or 215,000 as the tonnage, instead of one thirty-first part of the sum. Nor is this the most extraordinary feat of these nimble conjurers. One vessel, bearing the most appropriate name of the *Magician*, is of 96 tons burden; but she makes 148 voyages in a year—so straightway the tonnage in the trade she drives is expanded from 96 to between 14,000 and 15,000, and enters into the return to that vast amount—an amount nearly 150 times greater than the truth! My Lords, I will readily give a large license for exaggerations to that lively class of persons who contribute to our amusement by their powers of imagination—drawing, as was once said of a statesman elsewhere, upon their fancy for their facts, and on their memory for their jests. To these men I render all grateful homage, as among the gayest of our sad species; and I never very narrowly inquire if they exaggerate within reasonable bounds—two or three, or even fourfold. But so far as tenfold I will not be made to extend my license. Then what shall be said of a hundred fold—nay, a hundred and fifty fold, and that not by the lively wit, but by the plodding dealer in returns and tables, and trade and shipping statistics? I must really send them away to bury themselves and their errors in the recesses of the Trade Department, and no longer hope to obtain any faith here. The noble Marquess will in vain try to prevail by their aid. What! After such things as I have shown, attempt to choke us with tables! No. I will swallow none of them. I have done with them and their returns and reports, to the great clearing of this great controversy; to the no small comfort of your Lordships, who are little patient of statistics, a dry food, even when honestly prepared and fairly served up.

I proceed, then, with your leave, to discharge the important duty which I have undertaken, of dealing with this great question upon its proper merits, and trying the proposed measure by the test of reason, only relying on those facts which are beyond all dispute, and only referring to those returns which were made long ago, in the ordinary course of the public business, and before the subject was involved in any controvery at all. My duty to your Lordships and to the country requires that I should earnestly implore you, and solemnly warn you, not to part rashly with what my noble Friend called the miserable remnants, the fragments of a worn-out system. Fragments indeed! They are of gigantic size—they are the splendid remains of a mighty system—they are the pillars of our Navy, the props of our maritime defence. Modified the system has been, but only to suit the change of circumstances, not altering it, only adapting it to the varied condition of the world. There remains the almost entire monopoly of our home trade, and the perfectly rigorous monopoly of our colonial trade, employing above a million and a half tons of shipping, and above 20,000 seamen, with a capital that gives export and import to between 15,000,000*l.* and 16,000,000*l.* sterling in the year. It is said, however, that we must not maintain this system of colonial intercourse, because Canada will be discontented, and the discontent is ascribed to the Canadians not having an unrestricted intercourse with the United States, until the navigation of the St. Lawrence is left open and free. But what restrictions are there worth speaking of, that may not be removed without unsettling our whole policy, when the Canadians may now export to the United States, and receive from thence all goods in either American or British bottoms? But my noble Friend says, we should follow in Mr. Pitt's steps, who, as early as 1783, proposed a material change in the navigation laws. Certainly what he proposed was anything rather than a change in the principle of those laws; it was a mere adaptation to the altered state of North America. Surely, my noble Friend forgets what a mighty change had taken place between the reign of Charles II. and the time of Mr. Pitt. The western colonies of Great Britain had thrown off the yoke of the mother country, and become a great independent State. A still more extensive change afterwards took place, and emancipated all the colonies of Spain, Cuba and Porto Rico alone excepted, and formed their vast territories into free communities, while the House of Braganza removing to Brazil, founded there a new monarchy, which had formerly been a dependency upon Portugal. The inevitable consequence of these great revolutions of empire was to make an alteration in the letter of the navigation law necessary for the purpose of preserving its spirit; and instead of abandoning the principle of the system, Mr. Pitt, in 1783, only proposed adapting it to the altered circumstances of the New World, as did Mr. Huskisson some forty years later, when the whole of the changes in the distribution of empire had been consummated. For every one must at once perceive, that as the Navigation Act excluded all trade between foreign colonies and our European dominions, but permitted trade between foreign States and those dominions in vessels of those foreign States, when Brazil and the Spanish Main were become independent Powers, we must by the principles of the Act receive their ships as we should Spanish and Portuguese vessels; and when the American colonies became also foreign States, we must receive their ships to bring over their produce, and could no longer exclude all foreign ships from our trade with emancipated America, as we had excluded them from America while she was, like Jamaica or Canada, a dependency of our Crown. Mr. Huskisson's policy, in many other respects, affected our foreign trade, and wisely, in my opinion. But let it not be supposed that no evils were felt by our mercantile navy from these changes. If you compare the tonnage for six years ending 1822, with the same ending 1828, you will find there was a falling-off to the extent of 150,000 tons, or above 1,300 vessels; nor did the amount ever reach what it had been before the new laws, until the year 1838, sixteen years after Mr. Wallace had propounded those measures of relaxation, which I ought perhaps rather to term of adaptation. In now referring to tables, I only resort to documents and calculations made in the regular course of business, and long before any controversy arose on the present question. They are, therefore, altogether worthy of credit.

The policy, my Lords, of the navigation laws, rests upon the position, that without such a partial monopoly as they give to British shipping, we never can maintain a sufficiently ample nursery for our Navy, an object of primary importance, as Dr. Smith maintains, to every insular empire, and therefore to be sought at a considerable sacrifice of the wealth which unfettered commerce might more rapidly accumulate. The Emperor Napoleon is cited, by my noble Friend, as having wished for "ships, colonies, and commerce." The quotation is not quite accurate. He inveighed against the "ships, colonies, and commerce," of England, and gave out these as the objects of his hostility; whence Mr. Pitt, at a Guildhall festival, gave as a retaliatory toast, "the ships, colonies, and commerce" of this country, a retort which derived its point from the edition I am now giving of the French Emperor's saying. But that great warrior might have wished long enough for ships, colonies, and commerce, and wished in vain; both because from ample trade alone could he ever hope to have a navy, and because we had created our marine, which swept from the ocean all his commerce, taken all his men-of-war, and captured all his colonies—our marine, which owed its existence entirely to the encouragement that the navigation law gave our shipbuilding —and the facilities lent by the same law to manning the fleets which that encouragement built. For nearly two hundred years we have abided by that policy, and holding steadily our course, neither swerving to the right, neither to the left, never abandoning it, only adapting it to the varying events which have altered the distribution of dominion in other regions, we have upheld the system which has created and maintained this navy — the envy of our rivals, the terror of our enemies, the admiration of the world. Are you prepared to abandon a system to which you owe so precious a possession, not only the foundation of your glory, the bulwark of your strength, but the protection of your very existence as a nation?

It is not agreeable in discussing a question like this to be occupied with personal matters relating to one's own history. Yet, as I have been charged with altering my opinions on this great argument, I must crave your Lordships' indulgence if I briefly advert to the opinions which I delivered very long—I grieve to think how long ago—prepared in 1801 and 1802, published in 1803. In a work upon colonial policy, I traced at large the causes which lead to the formation of a navy by means of a mercantile marine, and explained in great detail the intimate connexion between the colonial trade and that important branch of national economy. Agreeing entirely with Dr. Smith, my illustrious master, in his opinion, that the superior importance of defence well justifies a sacrifice of wealth, by restrictions upon foreign commerce, and especially the colonial trade, I ventured to differ widely from him in his estimate of the benefits derivable from remote establishments. He maintains that the colonial trade is less advantageous than the home trade, because it replaces two capitals, the one home, the other foreign, whereas the home trade replaces two home capitals, and that the nearer foreign trade of Europe is more advantageous than the distant trade of the colonies, because its returns are much quicker. I contended that this is a very erroneous view of the subject, and explained how the colonies being in truth a portion, though remote, of the empire, the trade replaces two home capitals; while I showed that it has this advantage over the foreign European trade, which is not counterbalanced by the superior quickness of returns, inasmuch as the capitals which naturally seek the colonial trade are those larger ones which are not suited to the nearer branches of commerce, thus naturally drawing into them the smaller capitals, which must have quick though moderate returns. I also showed that the interest of the community is not always identical with that of its individual members—their advantage being consulted by larger profits, though with slower returns, while the public interest is rather consulted by moderate returns quickly yielded. But I showed how the colonies from the nature of their commerce, have given a peculiar means of creating and maintaining a mercantile navy—how as to the kind of vessels employed in that commerce, and as to the seamen, both in number and value, they are the best nursery of seamen, keeping the crews of vessels more together, in greater number, longer at sea, and less frequently in foreign ports. I further differed with Dr. Smith in his censures upon our colonial monopoly, even as to its effects upon our general economy, and the accumulation of wealth, and I proved—at least seemed to prove—that the monopoly only had the effect of accelerating a state of trade which would naturally have soon grown up, and only encouraged the employment of such capital as naturally tended towards that distant trade.

If any one doubts the soundness of my views upon the true relation between the colonies and the parent State, let him bear in mind how the accumulation of wealth in those remote settlements operates. Let him go to the valleys of Inverness-shire and Ross-shire, or to our northern counties of Westmoreland and Lancashire, and parts of Yorkshire — he need not investigate minutely the circumstances of the neighbourhood—he will trace the influence of colonial speculation in the very names of the villas and other country residences which have arisen in those districts, the property of men who have cleared the barren waste, planted the bare heath, and caused the desert to smile. He will find names borrowed from the Antilles, and from Trinidad, and from Demerara, and Berbice. Capital, the growth of agriculture and of commerce in those distant settlements, has performed these wonders thus near our home. The value of the colonies is thus inestimable in every way. It is not only the glory of our extended empire that we derive from them, not merely the brilliant lustre which they shed upon our national fame—they are invaluable, if only for the rich addition they make to our wealth—they are precious as a mercantile speculation—they are to be prized on the mere calculation of pounds, shillings, and pence—they are no less our wealth than our ornament—no less our strength than our wealth — no less our glory and our profit in peace than our support in war. To abandon these magnificent establishments, to neglect these noble dominions, would be the very worst and basest policy which a British statesman could recommend to a British Parliament. They are integral portions of our own empire, though remote from the seat of our central administration, as Cornwall is part of the united kingdom equally with Northumberland—Kerry with Middlesex. The bounty of Providence has cast our lot in a great island, fertile in all the elements of agricultural properity, and if not enjoying a tropical sun, yet blessed with a wholesome, if unstable climate, that ensures to patient industry the hardy race which thrives under our sky. But our territory, though rich, is limited in extent, and bounded by a coast peculiarly adapted to raise a breed of expert and gallant seamen; by their skill and enterprise, and patience, we have enlarged the natural limits of our realm, until into distant regions,

> " The flag that braved a thousand years
> The battle and the breeze,"

borne victorious over the obstructions of nature, and the force of man, has been planted on every various land, from the Charaibean to the Indian Sea, in the Antilles, Australia, the Pacific, China — till we have acquired an empire on which the sun never sets, and call the produce of every soil and every clime our own. Are we to abandon this glorious dominion? No, says my noble Friend. But are we to abandon the mercantile marine to which we owe the acquisition of it, and by which alone we can supply the Navy that enables us to retain it? The colonial monopoly, the real parent of that marine, and nursery of that navy, is the unavoidable fruit of our extended territory. Part of our dominions lying separated from the rest, our intercourse with them, truly a branch of our home trade, as I have proved, must be kept to ourselves, because it is our home trade, and the distance rendering it impossible to keep out foreigners as we easily do from our near home traffic, we seek, and naturally seek, to counteract by our laws the effects of that distance, in order that we may possess our remote dominions, as if they were near, and obtain from this extensive possession a return for the cost we incur in planting, and in ruling, and in defending them. Shall we abandon them? "No," says the noble Marquess, "by no means; let us keep them by all means. But then," says he, "I would let all other nations benefit as much by them as we do ourselves. My philanthropy is so enlarged—my benevolence so universal—I am in principle so very a cosmopolite, that not only I pray for the prosperity of every people under the sun"—a prayer, my Lords, to which I heartily say Amen, because I agree with him that the prosperity of our neighbour is conducive to our own — but he goes further, and adds, "I will give up all the preference which we have in our own settlements, and share with every foreigner every advantage which the purses and the blood of Englishmen have purchased for England." Now, here I leave my noble Friend; I go not to this length—this fantastic length; for I plainly see that if I do, the result must be not only that foreigners will share with us the benefits of our colonial empire and colonial commerce, but that we shall not be able to share it with them. We shall ourselves be cut out of all fair participation. "Be liberal to others," said the noble Marquess, "and trust to their returning your liberality." I gravely doubt it; at all events, I had rather, with Mr. Huskisson, delay giving everything up to them until I saw they were disposed to make us somewhat of a like return. He expects the Americans, for instance, to reciprocate. There is another phrase familiar to them of late years, and which they are more likely to use—they will probably repudiate, not reciprocate—reject your ultra-liberal policy, and not imitate it. Have we not had repeated proofs of this? I don't mean of their dislike to pay their debts while bragging that their resources are so ample as to deprive them of the sorry excuse of insolvency; but I hope this vile course will soon be abandoned—because soon it will be found to be contrary to their interest to persist in such shameless frauds. But, wholly independent of that kind of repudiation, what disposition have they shown to adopt our liberal views? Did they meet us half way in the arrangements of our bonding warehouse plan? Quite the contrary; the moment we adopted it, they took measures in the opposite direction. Did they show a disposition to open their coasting trade to us, when we were invited to let them share freely in ours? Nothing of the sort. Their Minister here said it would be done; his Government said nothing should induce them to think of it. Then see the position to which you reduce yourself if this measure of my noble Friend is adopted. You have purchased, dearly purchased, your vast and rich colonial empire—and a great part of its profit is the trade you drive with its various portions. At once you are to let into a full share of its benefits all other nations, who never have paid one shilling, nor spilt one drop of blood to govern or to keep it, or indeed to do any thing but obstruct you in both getting it and defending it. All are to be let in—Americans, Dutch, French, Belgians, Danes, Swedes, and all at once — not those only who, like the Dutch, have colonies, and are willing to give up their own exclusive traffic; but those who, like the Americans and the Belgians, have none. And you let all equally in at once, instead of waiting till you can arrange reciprocity treaties with any one of them. But why are you to let them in, and yet continue the expense of governing and of defending these settlements? Surely we must make up our minds to save the cost of this empire, if we no longer are to have the benefit. At least, if others are to profit as much as ourselves, and not to pay at all, we shall be truly simple if we go on paying for their benefit. Now, the military establishment of this country stands us in above fifteen millions yearly charge. Of this force, full two-thirds is required by our colonies. Then, are we to reduce the Army, Navy, and Ordnance ten millions? Why this is the very proposition of a sect lately founded by the ultra free-trade men. They have been agitating the country to this effect; and I declare I can perceive in this argument the main reason why with them the present plan is in such favour. What care they for reciprocity? What care they for our departing wholly from Mr. Huskisson's prudent course, and giving up the *quid* without the *quo*—making the bargain without getting the consideration? The Americans have no colonies; they won't give us any share in the coasting trade which they drive through their boundless waters, both on the Atlantic and in the lakes; they don't even care, by such a participation, to purchase a share of our own insular coasting traffic; yet we are at once to let them share that which is in truth a branch of our coasting trade, and its most valuable branch—the home trade of our colonies. They may bring our produce from the West Indies to England, export our manufactures from England to the West Indies, and carry on the trade between island and island—but not a dollar's worth of their American trade will they suffer us to share; and the agitators for reducing our Army and Navy perhaps foresee that to keep up those costly establishments merely in order that the Americans may profit by them, cannot long be endured by our people. Hence, no doubt, one motive of the zeal shown by that sect, which, although insignificant, is very active to abolish what they term the colonial monopoly.

I have been considering this measure in its relation to our colonies and our commerce. But look at it in its bearing upon our shipping; for, after all, that is the gist of the question.

My noble Friend denies that there is any thing to fear from passing this Bill. Even were he to succeed in proving that there is no danger, I am sure he cannot deny that there is much fear. When did he ever before find such alarm in our trading community? When see such numbers rushing forward to petition Parliament, and pray for a respite? Look at the 47,000 petitioners from Liverpool!

Earl of HARROWBY: And the Corporation.

Lord BROUGHAM: Yes, the Corporation; and men of all parties—Whig, Tory, Radical, free-trader, and advocate of restriction—all, including above 1,000 of the first houses in that great town, have implored your protection against a measure which they deem fatal to the shipping interest. To be sure, we are told that Liverpool cannot be against it, when the two Members are for it. But this is explained. One of them, a worthy Baronet, was the secretary of a Whig Minister, when at the head of the present Cabinet; the other was understood to have pledged himself against it, when he canvassed the electors—and neither has the least concern in either ships, colonies, or commerce. Can any man believe Liverpool to be otherwise than most hostile, and unanimously hostile, to the Bill, when its 1,000 mercantile firms, its whole corporation, and 47,000 of its inhabitants, being almost every man capable of petitioning, has signed the petition against it?

Now, in coming to the most important part of the whole question, and which my noble Friend not only never touched, but from beginning to end of his able speech never came within sight of—its bearing on the shipping, on the navigation of the country—I must remark that the argument really lies in a very narrow compass. Who doubts that our present system has answered its purpose? Its object was to give us a great mercantile marine, in order that we might always have a powerful national or military navy. Who can affect to doubt that it has secured to us at all times this supreme advantage? Who pretends to deny that whatever else it may have done, or failed to do, it has accomplished its purpose of giving us fleets which defend our country at home, and its vast possessions abroad—carrying our flag in triumph over every sea? Then, surely the proof is on him who would have us abandon this system, and try, for the first time, some other. Yet not one tittle of an argument did my noble Friend give to persuade us that we should give up the plan we have tried for centuries, and for centuries found successful, in order to try a new and unknown scheme. I might safely rest the case against him here; but I will go into the subject a little further, on account of its vast importance, even at the risk of fatiguing your Lordships, and upon whose patience I have already trespassed so long. And to get at this cardinal point, on which the question really turns, I pass over the glaring inconsistency of my noble Friend, whose maxim being that all men should be allowed to frequent whatever markets they choose, and carry their goods by whatever ships they please, yet will not venture on applying his principle to the coasting trade—will not let the Newcastle man send his coals to London by the cheapest conveyance, or the Londoner buy them at the lowest price; but as carefully excludes all foreigners from the trade between the Tyne and the Thames, as if sensible that there is no safety in touching that system to which we owe our ships and our seamen. So the grower of corn must still suffer under what my noble Friend calls the remnant of the monopoly, and the consumer of bread pay dearer than is necessary for his food. Why? In order to keep the coasting trade in the hands of the British carrier: contrary—directly contrary to the whole principle of the Bill, and as if to show how little confidence its authors have in their own policy.

My noble Friend, without even approaching this part of the case—in truth, the whole of the matter in issue—contented himself with saying, in general terms, that England could enter into competition with the rest of the world in shipbuilding and in rearing seamen; but he carefully shunned all particulars—producing not a title of evidence—not even a table of Mr. Porter—to back his assertion. But I have read the evidence; and I find, that while all our naval authorities, with one solitary exception, whom they promoted and sent abroad before he was cross-examined, are clear against my noble Friend; and nearly all the English shipowners join in the same views. We have the testimony of Mr. Mitchell favourable to the Bill. But he, a Member of the other House, confesses that his information is mainly gathered from what he heard in a Committee of that House. What he says of his own mercantile knowledge, I own, surprises me not a little. Two English sailors, he says, will do the work of a dozen Russians (*Lords' Evidence*, 606, *et seq.*). But after much statement that looks unfavourable to the navigation law, out comes the avowal (p. 619), that were it repealed he should give a decided preference to foreign ships. His main reason is, that our captains are of so inferior a description: of two hundred in his employ, not above one half being able to read and write. Now, my Lords, I have conferred with merchants and shipowners, of ten times Mr. Mitchell's experience, some of them, too, as good Whigs as my noble Friend himself, and as zealous advocates of free trade, and they assure me, that if such be the result of the hon. Member's experience, he has been the most unfortunate of men; for theirs is directly the reverse. Nor can I much approve the circular that has been sent from the Foreign Office to our own Consuls, for the purpose of gleaning information against the masters of our trading vessels and their mates and sailors. The Consul in any port is, perhaps, the most unfit judge you can resort to on the subject. He sees only the seamen who have got into some scrape with the natives and their authorities. When all goes well and smoothly, the Consul is little appealed to; but, doubtless, all these gentlemen were apprized of the kind of intelligence that would prove most acceptable. For my own part, having known not a few captains, and sailed in several ships, I am bound in justice to say, they appeared intelligent men, and undeserving the censures cast upon them by some persons.

Let us now come closer to the question, and at once try the matter in issue by the known facts. Can the foreigner, when this ill-omened Bill becomes law, undersell us in the two great articles of building ships and navigating them? On this issue is joined, and I proceed to prove my case. The first witness I call is Mr. Mitchell, not the Member, but a shipbuilder and merchant of the first respectability, and Belgian Consul in the port of Leith (*Lords' Evidence*, 665). Wholly independent of all controversy on the navigation law, this gentleman built a vessel with the greatest possible attention to economy, and it cost him 20*l.* a ton. Deduct 2*l.* for the timber duty—because that is not necessary, and may be taken off—we have 18*l.* a ton for the cost; and in foreign ports, not excepting Dantzic—because they there build as well as any where in the world—the expense is 12*l.*, or 50 per cent less. But suppose the vessel could be built in our ports for 14*l.* or 15*l.*, still the difference is quite enough to cast the balance against us, and give the foreign builder a preference. Such a preference is more than sufficient to ruin our whole shipbuilding trade. I do beseech your Lordships to pause and consider of what magnitude the interests are with which you are now dealing. Invested in this business is a capital of 16,000,000*l.*; 3,000,000*l.* are annually expended in building, 8,000,000*l.* in outfits and repairs, while 80,000 shipwrights are employed at wages of 5,000,000*l.* a year—a race of men as sober, skilful, and industrious, as any workmen the country can boast of; while in the dockyards of the Government there are not above 4,500. So much do we depend on the private yards for our men-of-war, that I heard Mr. Pitt, in 1804, state two-thirds of all our fleets to be built there, and of the 24 sail of the line built during the war that ended, or was interrupted by the Peace of Amiens, only two were built in the King's yards. Admiral B. Martin, too, states, that in the course of thirty or forty years above 90 sail of the line, and between 500 and 600 frigates, were built in the merchants' yards. But it is enough to remind your Lordships of the vast manufacture which you are cutting up by the roots, independent of other considerations. So much for shipbuilding, as regards the amount of it and the cost. But the argument rests not on calculations from figures, and from returns—the reason of the thing makes it manifest that we must be undersold. We have excellent oak, but that forms only 20 parts out of 55 in the construction of vessels; the other 35 parts, or 150 per cent, is fir, which we must fetch from a great distance. It is true we have the iron and copper near, which the Americans have to carry from a distance; but that makes only 15 parts in 100 of the cost incurred by the carriage of materials. It is true that Mr. Minturn (*Lords' Evidence*, 827), says, the American shipwrights receive 10*s.* 6*d.* a day wages, at which one feels surprise; but no inference can be drawn from this; for when asked, "Then, of course, you always repair your ships in England, where the wages are so much lower," he answers, "Oh, no; I never think of such a thing." Why? "Because repairing here is so much more expensive." Then, as for quality of ships in the Baltic, they build them good, though with oak inferior to ours; but in the Adriatic, the oak and the building are the very best in the world, and thither must a large portion of our shipbuilding be driven. What then are the wages of foreign seamen as compared with ours? The evidence taken by your Committee proves that the scale is this.—In the Baltic, the captain has 3*l.*, and 5 per cent on the freight, making 5*l.* a month in all; the Dutch captains have 4*l.*; and the Belgians the same; but our English captains have 8*l.* 10*s.*; and a respectable shipowner told me yesterday, that he never gave less than 10*l.* Pretty well for men who (as Mr. Mitchell says) can neither read nor write, while the well-educated Prussian and Dutchman has from 4*l.* and 5*l.* only. Then the foreign seaman has 1*l.* 10*s.* to 1*l.* 15*s.* a month wages, and his food costs but 8*d.* a day; ours have 3*l.* wages, and their foods costs 1*s.* 3*d.* In the United States the wages are much higher than in other foreign countries, quite as high as our own, and even somewhat higher. But then they sail their ships with fewer men, 3¼ to a ton, where we have 4½; and they feed their men worse, and make them work more—put less into them, and get more out of them. This difference in their habits of strict economy and hard labour is very remarkable. If any person will read one of the most entertaining books ever published since *Robinson Crusoe,* he will be convinced of this—I mean *Two Years before the Mast.* Read it with the determination to pass over the sea phrases, and never think of stopping to understand them, you will find it a book difficult to lay down when once you take it up. But one feeling is present to your mind during the whole perusal, the unceasing hard labour of the whole crew at all hours of the day, "from morn till noon, from noon till dewy eve." Nay, at most hours of the night season too, and all to accomplish the most minute savings. Whoever surveys the picture of American economy, and labour, and privation, presented by that little volume, will at once comprehend how it is that our transatlantic brethren can navigate their vessels at a cheaper rate than we can.

Now, your Lordships perceive, that in making these comparisons between our own shipbuilding and navigation and those of foreigners, I have relied on tables or returns, indeed on specific facts, much less than on general reasoning from known and admitted data—and this is always more satisfactory and less exposed to error. When the reason of the thing—the probability from admitted facts, goes along with the figures, our calculation is secure from being upset by other figures. We check and fortify the one by the other, and can safely rely on our returns when they tally with the general probability. Thus, I have taken the evidence as consistent with what we should expect from the near neighbourhood of shipbuilding materials in America and the Adriatic, from the various habits and conditions of labourers, and therefore of sailors in different countries; and my conclusion, checking and fortifying the evidence of the witnesses who speak to sums, gives the formidable result that without legal protection our shipbuilding and navigation must leave us and pass away to other nations.

And here, my Lords, I receive in the midst of my alarms and apprehensions, comfort, and indeed support, from an unexpected quarter; not from any witnesses sent by the Board of Trade—not from any blue books or tables—not from the respected authority of Mr. Huskisson, or Mr. Wallace, and his other coadjutors; but from the noble Marquess himself and his coadjutors—nay, from this very Bill to which he desires your concurrence. For what does it enact? Just as its very first provision after the general reciprocity clause, saves the whole coasting trade, keeps it as a strict monopoly, excludes from all share in it every foreign ship—so does the following clause retain by far the most oppressive portion of the Navigation Act, the rule that every British vessel shall have the master and three-fourths of the men British subjects. And this, be it observed, is not merely giving the foreigner an equal share of the trade with ourselves; it is giving them the advantage over us; nay, it is excluding ourselves and giving them a monopoly; for they may navigate between our colonies and England as they please with their own crews, whereas we must have no foreign seamen in our vessels; I say, none at all; for the permission is utterly nugatory of one-fourth, because you cannot employ foreigners with your own men on account of the language; and if you did, you would save nothing by it, because you must give them the same wages and the same food — you cannot have two rates of pay, two dietary tables. Thus no gain whatever can we make by the cheapness of foreign seamen; and while we suffer them to man as they find most profitable, the ships to which our carrying trade with our colonies, as well as with all other countries, must speedily be transferred, we impose on our own shippers the burthen of manning their vessels in the way they find of all others the most expensive. The provision alone is sufficient to complete our loss of a marine by transferring it to those who undersell us. Our commerce may continue; nay, it may be as gainful as before; it may even be somewhat more profitable; that is not the point; our navigation, our mercantile marine is gone; the nursery of our navy, the source of our maritime strength, the great pillar of our empire, is crumbled in the dust. Then why this gross anomaly, this utter inconsistency in the Bill? Why still insist upon retaining the positive rule, that three-fourths, or rather, for the reason I have given, the whole crew of every ship shall be British? Only for this reason, that the Government know how much depends on these seamen; that on them rests the whole strength of our navy; that after all we have heard preached about free trade, by those who do not know what the question really is, and which has no connexion with free trade; after all that has been said against the navigation law from Pepys and his *Diary* to this day, nothing but the strict enforcement of the navigation law can preserve to us that invaluable class of men, the sailors of England. Therefore while you confine your own shipowners to one-fourth of foreign men, you leave foreigners to have four-fourths of their own people on board their ships; therefore you exclude your own subjects from the benefits of cheap carriage round your coasts—because you feel quite certain, that in no other way can any relics of your maritime nursery be preserved. You know and you feel, that talk as you may of monopolies and liberties in trade, the maintenance of a great navy is not the necessary consequence of an extensive commerce; for all your trade may be driven by foreigners. You know and you feel the necessity of that navy, and that a navy not being the natural growth of this country, how extensive soever her coasts, it must be forced to be had at all; that you can no more with your distance from stores, and your rate of wages, and your people's habits of indulgence, have a full supply of ships and men—a mercantile marine—by natural means, than you can have pineapples and other hothouse plants under your ungenial climate. The wisdom of all ages sanctions the position under which you only act by halves; and while by your exceptions to the measure you confess that its whole principle is wrong, you adopt enough of that principle to ruin your navy, while by stopping short of its full adoption, you show the sense of shame which hangs upon your conscience, and make the exception work as great oppression to some classes as the rule works ruin to all.

Cast your eyes over the mighty fabric you are shaking, before its foundations be wholly undermined. Four millions of tons steered by 230,000 gallant men; from among whom 120,000 man your Royal Navy, and carry its banners in triumph over every sea on the globe: is this the peculiar season for placing such an institution in jeopardy? Is the existing state of the world precisely that which makes it fitting we should now, of all times, undertake the risks of a fundamental and sweeping change? The peace of Europe may at any time be broken; and war, foreseen or unforeseen by any one, break out—unforeseen through accidents that may always happen; foreseen as the natural fruit of a restless, unquiet, meddling policy—a policy which disregarding the motto of the gardener and of the island statesman, "look at everything, but touch nothing"—rather, not steadily looking at anything, touches everything without grasping it; and forgetting the rule, that he must grasp hard a nettle who would not be stung—so fingers all things as always to smart and to fail. If then war shall come, whether the result long dreaded of our impolicy, or suddenly from the fault of others, without any reproach on ourselves; then, indeed, must we feel, and bitterly feel, the want of our maritime resources which this measure is calculated to cut off. In 1792, before the brilliant succession of victories which crowned with undying renown the St. Vincents, the Nelsons, the Duncans, the Howes, we had but 16,000 seamen in the Royal Navy, and in less than three months 35,000 more were added to them. Whence were these recruited? Not from landsmen; to that course we were afterwards driven once under the pressure of the war, and to the quota-men of the parishes may be ascribed the darkest page of our naval annals, the only disgrace which ever stained them, the Mutiny at the Nore. But it was the mercantile marine that supplied those thousands of loyal, brave, victorious sailors. Now, instead of 16,000, we have 33,000 as our peace establishment. Heaven forbid that my worst fears should be realised! But I cannot cast my eyes across the Channel without trembling for the peace of Europe. In France, the nominal republic, nominal even as the republic of Paris—suddenly risen upon the ruins of the monarchy—already betrays the love, let us only say, of military glory. What carries their troops to Civita Vecchia? Not, believe me, any desire to relieve the Pope; not any love for Italian independence; not even the wish to put down the disgraceful and despicable anarchy prevailing in the Roman States; nor any design of State policy to balance foreign influence in the Peninsula by meeting the forces which Austria is marching thitherward; but because the people—the Parisians, and that unhappily still means the French—are bent upon having some military proceeding somewhere executed; and that no French ruler, no Minister, no President dare oppose this irresistible national propensity. Therefore it is, that General Oudinot, Duke of Reggio, has landed, and has reported in his despatches that he succeeded without firing a shot, as if a man were to recount how he had effected a descent from the packet at Boulogne or from a wherry at Wapping without resistance, there being none to resist. I have learnt from eminent statesmen in the service of King Louis Philippe, statesmen in whose keeping, as in that of their Royal Master, I should have deemed the peace of Europe safe with the tranquillity of France, that had even they been still in the direction of French affairs, they might not have felt it possible to resist those national impulses, and avoid marching into Italy the army of the Alps. Then look to that Peninsula. In the north, Marshal Radetsky's brilliant and rapid progress has restored peace to Piedmont; a progress attended with but one error, as I most respectfully take leave to think it, the stopping short of Turin, from motives of ill-judged forbearance, always likely to produce mischief, as this one has in the blood shed at Genoa. Piedmont and Genoa have however happily been released from the heavy yoke of a wild populace and their unprincipled leaders. Tuscany, too, has freed herself, without foreign aid, from the most debasing and intolerable domination that was ever exercised by sordid and vulgar tyrants in a civilised country. The Roman States, I hope and trust, are soon to have the same relief from the same mob despotism; while Venice appears at length to be pacified by the tardy performance of the treaty with Sardinia; and the unconditional surrender of Palermo has terminated those sad scenes in the dominions of our Sicilian ally—scenes on which, I am sure, Englishmen may well look back with a good deal of pain and something of remorse. Yet still the Italian Peninsula can only be said to enjoy a near prospect of peace, without any settlement having been generally effected, while the presence of at least two foreign armies within its boundaries, and three foreign fleets on its waters, leaves no little apprehension as to the continuance of its repose. Then crossing the Alps, and casting a glance over Germany, what meets our eye but disquiet and confusion, from the Baltic to the Adriatic, the elements of revolution everywhere, popular ferment universally at work, a general attempt to shake existing institutions and subvert ancient thrones, a wild longing after untried schemes of self-government. Though Russia has come down to aid our ancient ally, marching to save Hungary from the despotism of mob tyrants, and the anarchy of Polish agitators, who can deny that this very mode of pacification adds a new knot to the complicated position of European affairs? Who will guarantee us against the ferment of revolution, involving all Germany in confusion, and give us an assurance that among her neighbours this must lead to the bursting forth of war? A bold man he must be, who will confidently foretell that in three months time all Europe shall slumber in profound peace. Is this the time which wise statesmen would choose—this very year, 1849, next after the almost universal revolution of 1848, and before the agitated waters have subsided into anything like a calm—is this the most fitting moment we could hit on for making a great, a sweeping, a portentous alteration in our whole commercial policy, and abandoning the system by which our navy has been created, fostered, maintained? I speak not of the inevitable certain effects of war on our trade, our freights, our insurances, aggravating every one disadvantage into which we have seen this new maritime code must place our commerce. I speak not of commerce at all. I speak of defence. After all our past achievements, we have still powerful enemies to contend with. Our immortal triumphs on the ocean, almost eclipsed by the fame of our arms on shore—I speak in presence of the warriors whose illustrious valour has covered them with those laurels, therefore I may not dwell longer on the topic—yet all these mighty deeds, whether by sea or by land, have left two rival nations, America and France, unsubdued—

> "Quos neque Tydides, nec Larissæus Achilles,
> Non anni domuere decem, non mille carinæ"—

ready at any moment to take advantage of our weakness, and attempt our destruction. So much for the moment chosen to venture upon such a fearful change. But what counsels it, or what compels? Is it recommended to the Government by any one urgent consideration, or is it forced on them by any pressure from without? Do their friends in the country complain of their inaction, upbraid them with doing nothing, taunt them for not bringing forward bold measures? Boldness is an admirable quality in any Minister; especially when bounded by circumspection, and tempered by discretion; but I would, above all, commend the courage which is proof against yielding to clamour, and enables him to act under the inspiration of his own wisdom, consulting for the good of his country, careless what quarter he may displease or disappoint. It is a bastard sort of courage, which for fear of offending partisans, places in jeopardy the great interests of the nation—it is a vicarious valour, which only makes a Minister risk the loss of place, while he exposes the State to ruin, not rushing himself into danger, but pushing his country into peril, confronting his adversaries in debate while he exhausts all our means of defence; and, reckless of consequences, arms our enemies with unprecedented power. If all exclusive benefit from our colonies must be given up, and the fifteen millions now required for our establishment is no longer needful, but ten of these are to be saved, no doubt you execute the plan of the agitators for reducing our Army and Navy. Is that the class to court for whom this measure is framed—the sect of ultra free-traders that has lately sprung up, attempting to agitate the country for a reduction to this extent? Surely the Government must be aware that this body of politicians has sunk into utter insignificance—they hardly had their day—they are, as the Psalmist says, "gone hence like the shadow that departeth; they are driven away like the grasshopper." But, were they ever so powerful, you never can satisfy their demands. If you yield this measure, you take a step that can never be retraced; and will only be compelled to go forward. We are told that it is a crowning measure, and the last in this direction. But no one who looks at it with the slighest attention can flatter himself with any such hope. It contains within its bosom the seeds of fresh agitation and new demands. The coasting trade, the manning clauses, will excite new agitation by other Ricardos and other Cobdens. This is inevitable; and this should warn those who in voting for the Bill avow their dislike of it, but say they trust to its being the last attack on our old national policy. I, my Lords, stand on firmer and higher ground. I require the sins of that policy to be proved —that policy which has hitherto been ever successful in the accomplishment of its purpose—the defence of the country. Whoever would subvert it must show that it has failed, else no man of ordinary prudence will listen for a moment to his demand of a change.

In forming my judgment upon this great question, I have listened but to one voice, the voice of public duty; sinking all party, all personal considerations; and actuated only by my profound conviction of what my regard for the public safety enjoins, when I call upon your Lordships to reject this Bill. But one word more is demanded of me by what fell from my noble Friend when he intimated that certain consequences to himself and his colleagues would result from the loss of their measure. Now, on a question of minor importance, such a warning would upon my mind make the greatest impression. Upon any thing short of what I conscientiously believe to involve the fate, not merely of our mercantile navy, but of our national defence, the intimation of the noble Marquess would have weighed much with me; nay, would have made me listen readily, even gladly, to his suggestions; for I do not, on any account whatever, either public or private, from any feeling, whether of a general or a personal kind, desire to see a change in the Government. But the risk of any change I am prepared to meet, rather than see the highest interests of the empire exposed to ruin. Desiring the success of no one party in the State more than another, standing entirely aloof from all, my only anxiety is that the administration of public affairs should be in the hands of men who, unmoved by pressure from without, pursuing a rational and truly English course of policy, will honestly and manfully serve their king and country. But this measure I never can bear, because our national defence will not bear it. To sweeten the bitter cup which it will fill, I am told, and I firmly believe, nay I plainly perceive, that it must encourage slavery, and stimulate the infernal slave trade; since whatever cheapens navigation between this country and the marts for slave-grown sugar—whatever lets in the Americans, the Swedes, the Danes, the Dutch, to bring over the sugars of Cuba and the Brazils, must of absolute necessity increase the African slave trade, by which the increase of those sugars is promoted. When this new ingredient is poured into the chalice commended to my lips this night, I can no longer hesitate, even if I had felt doubts before. All lesser considerations of party policy or parliamentary tactics at once give way; and I have a question before me on which I cannot pause, or falter, or treat, or compromise; and, regardless of the comfort in any quarter, careless with what arrangements of any individuals my voice may interfere, I know my duty, and I will perform it; as an honest man, an Englishman, a Peer of Parliament, I will lift that voice to resist the further progress of the Bill.

EARL GRANVILLE said, he should upon no other occasion have considered himself competent to follow the noble and learned Lord; but as it appeared to him that a great part of the speech of the noble and learned Lord had been anticipated by the arguments of the noble Marquess, and that other parts of it had no reference to the present Bill, he was emboldened to ask their Lordships' attention for a short time. He certainly should not increase the difficulty of replying to that noble and learned Lord, by entering into the question whether this measure bore analogy or not to other free-trade measures that had been lately passed by Parliament, still less had he the slightest wish to go into the question how far the course the noble and learned Lord was now pursuing was consistent with his former professions of policy; but it certainly did appear to him that there was this analogy between the Bill then before their Lordships, and those measures by which the protective duties had been taken off of late years—they both tended to remove restrictions upon commerce—they both tended to allow competition, and to destroy what he must be allowed to say was a limited monopoly. In the course of his able speech the noble and learned Lord had taken occasion to allude to a noble and gallant Lord, the Chairman of the Navigation Committee of last year, and who was now absent on professional duty. He was ready to bear his testimony to the eminent qualities displayed by that noble and gallant Lord—to the zeal and energy he had so usefully exhibited in his professional services on the coast of Italy. At the same time, he might be allowed to say one word of the singular fairness and candour of another noble Lord who had been taken away from them for ever—he meant the late Earl of Auckland. Great as had been the loss of that noble Lord to the public and the Government, he thought the Government would never feel his loss more than on the present occasion, when his great knowledge on matters connected with the Navy, his anxious jealousy of anything that might affect the prosperity of the Royal Navy, would have made his earnest conviction that this measure was absolutely necessary for the future prosperity of that Navy of the greatest possible weight with their Lordships. He did not think it necessary to go into any of the details which had been so ably handled by the noble and learned Lord. Nothing could be fairer than the statement he had given of the history of the navigation laws; but he thought that one point had been entirely left out of consideration. The noble and learned Lord considered this as originally a subject exclusively between the English and Dutch; but what were the facts of the case? He was sure the noble and learned Lord would remember that about the same time Louis XIV. passed a law for a very high differential duty on Dutch shipping. That law began the system of restriction which had since prevailed in France; and he thought that when they considered the insignificant amount of the mercantile marine in France compared with her extent, her wealth, and geographical position, they would be right in saying that our prosperity in shipping was owing to our increased colonial trade, and, still more, to our foreign trade, and the aptitude of the inhabitants of this island to mercantile pursuits, rather than to the restrictions which had so entirely failed in a neighbouring country. The noble and learned Lord had alluded to what happened immediately after the war of American Independence, and quoted the sentiments of some illustrious Americans on that occasion, that navigation laws were necessary to protect her interests. If he was not mistaken, those sentiments were uttered, not when America was free to pursue such course as she liked best, but when she was cut off, not only from intercourse with our colonies, but also from the trade of this country itself. But the noble and learned Lord had not alluded to the commercial difficulties of this question. It appeared to him (Earl Granville) that the law as it now stood required only to be read, for it to be clearly seen that there were commercial inconveniences attending it. Perhaps some noble Lords were more inclined to listen to the shipowners and merchants, rather than to the theory of the Government on this question. Now, the shipowners were exactly the persons to whom they proposed by this Bill to apply the stimulus of competition, and although that stimulus was found in many cases to be not only useful to the community but to the class to whom it was to be applied, yet he believed it was without example that that class itself should be the first to invite that competition. He had great respect for the shipowners of this country, and it was far from his intention to believe that they were willing to deceive the public in this respect; but he could not believe they practically felt all the alarm that they expressed, for though this Bill was passed with a large majority in the House of Commons, and although there was some chance of its passing their Lordships' House, yet he was informed, on very good authority, that there were not at present more ships on sale than at any time in the last three years, and that large sums were being expended at Southampton and other places in building ships. Another class from whom petitions came were the farmers of this country. He did not think they were very well informed on the subject. He might say, without any want of respect to that body, that he should doubt whether any large body of persons engaged in agricultural pursuits knew what the provisions of the navigation laws were, or whether they ever for themselves had reflected what would be the consequence of the repeal of those laws. He must, he thought, have misunderstood the noble and learned Lord, but he understood him to say that by the present law French ships could not bring Russian produce from France. He (Lord Granville) was at a loss to know in what part of the Act that restriction was to be found. Then he understood that a large body of merchants apprehended great dangers from this Bill. He could not agree entirely with those who thought that, in matters of legislation, practical merchants were better informed than the Government. It had been his duty to go often to the custom-house, and he had seen there the great increase in the trade of the port of London, and the difficulty the custom-house had of meeting the increased demands of the merchants, and also he had seen the quay crowded with articles which had formed a new branch of commerce under the free-trade measures. That observation had done nothing to lessen the notion he entertained that free trade had increased the wealth of the country, and also in a great degree added to the advantages of the carrying trade. In the course of the inquiry on this subject, the Committee came to the warehousing system, and the first witness they examined said he had given some valuable information to the American Minister, who some three or four years ago came over to inquire and report on our trade. He held in his hand an American paper which contained the whole of the report made by that commissioner, in which he spoke highly of our warehousing system, and recommended the adoption of it by America. The report said—

> "It is believed that there was scarcely an Act ever passed by the British Parliament that has aided more than the warehousing law to augment her manufactures, commerce, tonnage, and revenue. It is thus seen how Great Britain has made herself the centre of universal commerce and exchanges, and the storehouse of the business of the world."

No Peer in that House, no man in the kingdom, could deny the benefits that that system had conferred on the trade of this country. He would remind their Lordships that whilst the foreigner might send his produce here to be warehoused for exportation in any ships he pleased, yet if our own colonies sent their produce in a foreign ship, that produce was not allowed to be exported, but could be seized and confiscated. But who first introduced the principle of this measure? Sir R. Walpole more than a century ago. But what was the result of his doing so? Not only did he incur personal risk to a great extent, but he was obliged to postpone the measure, which was not brought forward until the beginning of this century, in consequence of the opposition of the merchants of London and Liverpool, who insisted that that measure would be the destruction of the commerce of the country. He left it to their Lordships to say whether the Ministers or the merchants of London and Liverpool were in the right. In the same way Mr. Peel, the father of Sir R. Peel, who represented the manufacturers of the country, stated to their Lordships, on the Bill for throwing open the trade between this country and Ireland, that it was impossible the English manufacturer could compete with the cheap labour of the Irishman, and that he was determined, if the Bill passed, to emigrate to Ireland. Mr. Peel was supported in that view by the merchants of Liverpool; but he would ask whether they were right in their view? He believed that the merchant of this country was pre-eminent for good sense, intelligence, skill, and enterprise, and remarkable also for that Anglo-Saxon quality which had led so much to our prosperity in every walk of life, namely, a power of concentration to the business in hand. The merchant found trade forced by the navigation laws into certain channels. In one of those he found his profit. The interest of the consumer was not his particular business; and he might feel that if the Channel were opened it might bring some competition into that trade. The view which he took of this part of the case was borne out by the answers given by some of the commercial men who were examined before their Lordships' Committee. Those gentlemen gave remarkably sensible and intelligent evidence relative to their own trade, and then declared that they experienced no inconvenience from the navigation laws, but apprehended danger from their repeal. On looking more closely to their evidence, however, it appeared that several of those witnesses said, "I have not turned my attention to the navigation laws," or "I never considered the bearing of the navigation laws on this question;" whilst another declared that "he did not understand the navigation laws," and added, what was very likely to be true, "that very few persons did understand them." The inconvenience which these laws caused to commerce was of so marked a character, that he really felt it unnecessary to refer to particular instances, or to enter into detail with respect to this part of the subject. What could be more onerous to our merchants than to prevent them from availing themselves of a glut of an article in a foreign port to supply the demand which might exist for that article in this country? If there was one point more clearly established than another by commercial experience it was, that a merchant would always bring his goods to the best and largest market. Thus a merchant who had a cargo of sugar would bring it to London or Liverpool, though it would cost him more to do so than if he carried it to smaller ports, to which part of the produce would perhaps ultimately be sent. Should the relaxation of the navigation laws be carried further, foreigners would warehouse their goods here, because they would then have the chance of the home market, which they were deprived of at present. The fluctuation of freight was another inconvenience which the navigation laws inflicted upon merchants. It was clear that it was a disadvantage to the shipowner to have freights unreasonably low, and it was equally a disadvantage to the merchant and to the shipowner when freights were unreasonably high; for a high rate of freights invariably caused an influx of capital into the shipbuilding trade, which as certainly caused a reaction that was injurious to the shipowner. Thus they found by the evidence of one gentleman, that in 1821, when freights were low, that the per centage of foreign ships to English was 20 to 80; in 1825, when freights were high, they found the proportion of foreign ships increased to about 30 to 70; in 1828, when freights again went down, the foreign fell to 23 against 77 English; and in 1840, when freights rose again, the foreign again increased in the ratio of 32 to 68. Another inconvenience to which commerce was subjected by the navigation laws respected the manning of our vessels. A ship might be brought over from India by a crew composed chiefly of Lascars; but the merchant was prevented from working out the ship again with the same crew. He must employ three-fourths British seamen, whom he did not want. These laws also burdened the shipowner with the obligation of employing a certain number of apprentices. He was unable to understand the observations which the noble and learned Lord made relative to the advantages which the Brazils and Cuba would have over our colonies in the event of the navigation laws being repealed. At present our colonies were restricted to British vessels, whilst they had to compete with those of Spain, Cuba, and the Brazils; but the case would be different if the navigation laws were repealed; for our colonies might then avail themselves of the ships of other nations to obtain supplies of free labourers. It might be recollected that Lord Harris, in one of his despatches, stated that the colonists were obliged to pay double freights in consequence of being compelled to employ none but British ships to bring them free labourers. But he would not go into the question of the colonies, as, no doubt, his noble Friend (Earl Grey) would discuss that part of the question at length. He would merely observe, that it would not be difficult to show the injustice, the impolicy, almost the impossibility of continuing to govern their colonies unless they did away with the most restrictive part of the navigation laws. He now came to the foreign part of the question. Amongst foreigners, the people of the United States were those from whom it was said we had the most to fear. The noble and learned Lord stated, that he had some doubts whether the United States would reciprocate with them. He could say, that when this country had made concessions, the United States made concessions; when they imposed restrictions, the United States imposed restrictions also. And he must say, with regard to the measure which Mr. Pitt wished to introduce, that if it had been carried it would have put an end to great commercial inconvenience to both countries, and have taken away all ground for bad feeling in consequence of acts of Congress and proclamations of the President on the one side, and Acts of Parliament and Orders in Council on the other. But the law, as it stood now, was a greater inconvenience to them than to America. He apprehended that no possible injury could result from this Bill, either in respect to this country or to foreign countries; for the Bill would in effect be a self-acting law. Already they had the assurance of the American Government of the construction which they would put upon it, and that they were perfectly ready to give everything which it was proposed to ask by this Bill. Moreover, if it were supposed that there was any danger of a reactionary policy in America in favour of protection, it would be wise to strike while the iron was hot, and at once to put our relations with that country on a sound and intelligible footing. Allusion had been made to the differential duties imposed upon our goods and vessels by the German Customs Union. Undoubtedly, the Zolverein and Prussia had manifested a determination to retaliate the restriction which our navigation laws imposed upon them. From her position Prussia must always exercise great influence in the north of Germany; and although it might happen that, by imposing discriminating duties upon our goods and vessels, Prussia would injure herself more than she could hurt us, yet it would not be fitting for England, the greatest commercial country in the world, to enter into a war of hostile tariffs, particularly when that contest was founded on an unjust principle. Russia, too, had given notice, that when the existing treaty with her expired, she would impose upon us restrictions similar to those to which we subjected her. The noble and learned Lord had twitted the Government with not having repealed the provision which compelled shipowners to man their vessels with crews composed, as regarded three-fourths, of British seamen, and also with not having thrown open the coasting trade. These were questions which might more fully be considered in Committee; but he could not avoid making a few observations on the latter point. The concurrent evidence of all the witnesses examined proved that it was a matter of indifference to foreigners whether the coasting trade were open or shut, because no foreigner would enter it. There was, he believed, no objection on the part of the Government to the opening of the coasting trade, except an apprehension of the increased facilities which would thereby be given for smuggling, and a desire to avoid increasing, for no practical object, the alarm which unnecessarily prevailed respecting the proposed change in the navigation laws. The ground upon which a great portion of the opposition to the Bill rested, was the alleged inability of the British shipbuilders to compete with foreign shipbuilders. Now, as to the comparative cost of building ships here and abroad, he was informed, by a practical man, engaged in the trade of copper sheathing, that ships could be built as cheaply in this country as in Norway or Sweden, if they were built of the same quality. An instance was given of a ship built in Norway for 9,000*l.*, which was afterwards sent to his (Lord Granville's) informant to be coppered, and have additional knees, &c., at a cost of 1,000*l.*; making altogether 10,000*l.* for a ship which would not have sold for more than 6,000*l.* in this country. He found that fifteen witnesses had all given different estimates of the cost of building ships, varying from 24*l.* to 6*l.* 16*s.* a ton. Any argument advanced to show the impossibility of continuing to build ships here, on account of the greater money cost, went to prove that Mr. Green and Mr. Wigram were guilty of egregious folly when they paid 24*l.* per ton for ships built on the Thames, when they could have them built for 10*l.* a ton elsewhere. He believed the truth to be, that no country in the world could build ships for a smaller amount of money than our North American colonies. Russia appeared to be able to build as cheaply the inferior class of vessels; but of the best quality, no ships were cheaper than those built in this country. The fairest way of instituting a comparison was, not to compare the ships of one country with those of another, overlooking the condition and circumstances in which they were produced, but to look at the elements for shipbuilding possessed by the different countries. As regarded this country and the United States, he found that all the elements of shipbuilding, including iron, copper sheathing, copper bolts, and sails, were cheaper in this country. Some persons thought the cost of timber made an enormous difference; but he found by the evidence of Mr. G. F. Young, that the whole cost of the foreign timber employed in a ship was only 380*l.* Some stress was laid upon the circumstance, that foreigners had provisions and stores cheaper than we could obtain them; but even in that respect the disadvantage to the British shipowner would amount only to the cost of freight from the port at which those articles could be obtained at the cheapest rate. As to the British sailor, he disagreed from the noble and learned Lord, and believed that our sailors had a natural instinct and aptitude for maritime pursuits, which rendered them the best sailors in the world; and the proof of this was that three-fourths of the seamen employed in the American marine were English. Nor was it to be supposed that our seamen would seek employment in American ships, if the noble and learned Lord were correct in stating that the Americans worked them harder and fed them worse. The noble and learned Lord complained of the calumny which he said had been directed against a large proportion of the captains of the English mercantile marine on account of their alleged inferiority to foreign captains; and the noble and learned Lord justified his defence of English captains by his own experience. Now, it must be observed that the captain in command of the vessel in which the noble and learned Lord was likely to be a passenger, was probably one of the best captains in the world. It was not his wish to speak disparagingly of the captains of our mercantile marine as a body, but, looking at the evidence given upon this point, it seemed impossible to deny that a considerable proportion of them were deficient in the information which was necessary for their profession. The noble and learned Lord was not entitled to throw discredit upon the testimony which our consuls had given upon this point. Lord J. Hay stated that if the inquiry had been sufficiently protracted to have permitted of his doing it, he could have produced numerous instances of the want of information exhibited by our mercantile commanders. It was in evidence that more accidents happened to vessels sailing under the English flag, than to those of any other nation, and that it was owing to the superior construction of our ships, rather than to the skill of our captains, that the loss of life and property was not much greater than actually occurred. He now came to the statistical part of the case; and he must say that he should have been surprised at hearing the noble and learned Lord inveigh against the statistical information which had been brought to bear upon this question, had he not known it was adverse to the noble and learned Lord's view of the case. Looking to the position of the noble and learned Lord, and to the high office which he had held in the State, it was to be regretted that he should have employed his giant eloquence and powerful sarcasm in attempting to crush Mr. Porter of the Board of Trade. Although Mr. Porter's position was inferior to that of their Lordships, he was actuated by as honourable feelings as appertained to any Member of that House, and it was hard that he should be exposed to an attack of this nature when he was unable to defend himself. He (Earl Granville) was inferior to Mr. Porter in ability, information, and experience; and therefore he regretted that it fell to his lot to explain that that gentleman had been the subject of great misrepresentation. Mr. Porter had been attacked with reference to a return issued from the Board of Trade, giving a comparative view of the shipping employed in the protected and unprotected trade. A great outcry was raised against the heading of this return, and it was shown that that very heading was founded in a description given by Mr. George Frederick Young himself before the Committee of the other House. It appeared from the return that whereas the protected trade had increased 94 per cent, the unprotected or rather the less protected trade, had increased 182 per cent. But it was objected that this was an unfair distribution, and that China, Russia, and the Brazils, ought to be included in the protected trade. That was done, and the effect was to lower the per centage increase of that trade to 91, and to raise the per centage of the less protected trade to above 200. It was next said that the whole of the South American trade ought to be included in the protected division. That was done; and the per centage of the protected trade reached 94, whilst that of the less protected stood at 200. The objections were not yet exhausted; it was alleged that a large number of mercantile steamers, which were constantly sailing to and from the Continental ports, were improperly included in the less protected trade. A deduction was made on that account also; but, after all, the increased ratio of the less protected trade was too evident to admit of dispute. As far, therefore, as statistical information went, it established that the relaxations made in our commercial system in 1825 had caused a great increase in our trade. But it was not possible, by any kind of legislation, to prevent foreign nations, with their increase of civilisation and wealth, from increasing their navigation in time of peace; and, so far from effecting this object, the navigation laws protected the particular trade of each country just as much as they protected our own. It was a curious fact with respect to Denmark—one of the countries which was said to possess a great advantage over us as regarded economy in shipbuilding — that our indirect trade with that country was three times as great as our direct trade, and the former was unprotected. It was also worthy of notice that at the present moment this Denmark, so much dreaded by shipowners, was advertising for British seamen to serve in their fleet. The real question was, could other countries drive us out of the direct trade which we now enjoyed? Let their Lordships compare the progress of our mercantile marine with that of the United States, as evidenced by the ships entering the ports of that country, and consider whether we can beat the Americans without any restriction whatever. It appeared from a return of American and foreign vessels which entered the ports of America for the year ending the 30th of June, 1848, that the centesimal proportions were as follows: United States' ships, 63.00; British, 30.99; all other nations, 6.00—the latter small per centage represented the competition of all other countries of the world, from whom it was now represented we had so much to dread. Their Lordships were aware that the American shipping was divided into two parts—that employed in foreign trade, and that engaged in their immense coasting and internal navigation trade. The increase which had taken place in American shipping since 1815 was chiefly in the coasting trade. The foreign trade of the United States had increased only forty-five per cent since that period, whilst their coasting trade had increased 108 per cent. Taking the foreign British tonnage to have increased in thirty-two years thirty-three and a half per cent, and the American foreign tonnage forty-five per cent, yet he would ask their Lordships to consider whether there had not been at the same time a considerable difference in the increase of population. In the same number of years the population of this country had increased fifty-one per cent, while the increase in the population of the United States was about 144 per cent. Thus the increase of population in the latter case, as compared with the former, was as three to one; while the increase of tonnage was only about three to two. Our present navigation laws actually subjected us to a disadvantage as regarded the Americans. Their great shipping trade consisted in bringing over bulky articles, the produce of their own country; while the most desirable cargo that we could send out consisted in sorted articles, not only English, but foreign goods. Thus, while we could take out only part of a cargo of our own goods, a United States' ship could take a freight either composed entirely of American goods, or partly American and partly European goods. With regard to Portugal, the port wine produced in that country added considerably to the comfort and enjoyment of a large class in this country, and the commerce in this article, if carried on without injurious restrictions, would be an advantage to both countries. But Portugal, by ingenious fiscal arrangements, had contrived to impose a differential duty on the export of port wine to this country, as compared with its exports to other countries. The English importer, to avoid this differential tax, had thought of sending the port wine to the United States in the first instance. The navigation law, however, of the United States prevented English ships bringing it to America, even to be warehoused; and therefore the article was sent in American vessels to America, and came back to this country with the prejudice attaching to it of not being imported direct. Thus the fiscal restrictions on the one side, and our navigation laws on the other, occasioned the inconvenience of a voyage twice across the Atlantic, and put, at the same time, a considerable portion of the profit into the pockets of the Americans. He deplored that Portugal should think it necessary to impose this differential duty against one of her best customers, but he still more deplored that this country should think it worth while to set an example of restriction which he must be allowed to say was one of a pitiful description. The noble and learned Lord had alluded in eloquent terms to the disastrous effects which would follow the destruction of the mercantile and military marine of this country. He (Earl Granville) believed that this country, so long as it maintained its insular position, would never be found without a sufficient marine to protect it. And if he could so far extend his imagination as to fancy that the Bill now on the table could have the effect of extinguishing the fires in our steam-ships, of shutting up our shipbuilding yards, or starving the British seaman, he was ready to admit that then the mercantile marine would receive a heavy blow, and that this country would not preserve the naval supremacy she had hitherto enjoyed. But the real question was, whether this country was able or unable to compete with foreigners? He must say that he thought in listening to the noble and learned Lord's argument, to the effect that this country could not so compete, that similar arguments might have been used by any other Peer, possessing like eminent talents for debate, some seventy or eighty years ago, to show the impossibility of our competing in the manufacture of cotton goods with the cheap and skilful labour of the Indian artisan, who had the raw material under his very hand. But every one knew what the progress of the cotton manufacture had been; and that we had inundated the world with the produce of our machines. To what was this owing? Whether it was owing to an accumulation of capital, and a disposition to rest satisfied with a smaller rate of interest than other people in the world—and he did not think that the events of last year were likely to diminish that disposition—whether it was owing to the ingenuity, skill, and mechanical invention of the population of this country; every one of these arguments applied equally to shipbuilding and ship navigation; and, in addition, the materials were as cheap here as in any other country. He had, therefore, no doubt but that if their Lordships passed the present Bill the shipbuilder of this country would have as great if not greater success than had attended the manufacturer engaged in any other article in this country. Before concluding, he would mention one circumstance that gave him satisfaction in supporting the present Bill. Whenever other changes had taken place in commercial legislation by the destruction of monopolies or by the introduction of machinery, for a time individuals and classes had felt a temporary inconvenience; but it was clear, whatever the result of the present proposed change might be, that no country possessed capital, ships, or sailors at once to compete with this country. Therefore the struggle, should it come, would be a gradual one; the shipowners would have time to prepare for it; and of the result of that struggle he, for one, did not entertain any doubt.

LORD COLCHESTER rose for the purpose of submitting to the House an Amendment to the Motion of the noble Marquess (the President of the Council.) The object of the original framers of the navigation laws, had been to promote the safety and strength of this nation by the encouragement of British shipping and British seamen. The noble Marquess had quoted the Acts of navigation passed between the reigns of Richard II., and that of Edward VI., but he had passed over those of Queen Elizabeth. The 5th Elizabeth, cap. 5, was the first germ of the existing system: it excluded foreigners from our coasting trade—encouraged the fisheries—and prohibited the importation of wine, and other produce of France, except in British vessels. The famous ordinance of Cromwell, in 1651, fully developed the system, which was confirmed and extended by Charles II. at his restoration. These successive enactments, passed under such different circumstances, show them to have been founded on general principles, and not to have been merely ebullitions of anger against foreign rivals. It was necessary to distinguish between commerce and navigation; a nation might possess an extensive commerce carried on by means of the shipping of other countries, as is now the case, in a great measure, with Russia and Turkey; but it is upon the extent of its own shipping and seamen that the power as well as the wealth of an insular empire like England depends. This was the object of the founders of the navigation laws; and he trusted to show that this object had been attained. The noble Marquess had quoted a passage from *Pepys' Diary*, to show that a scarcity of seamen prevailed fifteen years after the passing of the law; but he (Lord Colchester) believed this was at a moment when there was a hot press to man the fleet for the Dutch war, and sailors kept out of sight. Several writers of eminence spoke of the great increase of shipping and trade within the first forty years after the ordinance of 1651. Davenant states our shipping to have doubled between 1660 and 1686. Sir Josiah Child, in his *Tract on Trade*, says—"The Navigation Act does occasion the building and employing three times the number of ships and seamen we otherwise should do;" and Sir William Petty, in his *Political Arithmetic*, printed 1691, says, shipping within the last forty years had greatly increased. No regular periodical accounts of the amount of shipping appear to have been kept during the first half of the 18th century; but from the year 1760, annual returns of the shipping of England and Scotland, are given in *Macpherson's Annals of Commerce.* Hence there appear to have been in the years—

1760	 486,740	tons of shipping.
1770	 665,623	,,
1780	.... 618,853.	,,
1790	1,287,115	,,
1800	1,628,143	,,

showing that although a diminution took place between the years 1770 and 1780, owing to our struggle against the combined forces of France and Spain during the war of American independence, yet that upon the whole period of forty years our shipping had increased more than threefold; and if the period of peace between 1782 and 1792 be taken separately, it will be found that during that short period our shipping more than doubled; and while our commerce thus increased under the navigation laws, its safety and strength were maintained by the numerous body of gallant seamen obtained from this commercial navy for the service of their country. Through them Rodney was enabled to gain that victory in 1782 which restored to us an honourable peace; and by the celerity with which our fleets were manned from this source, on those successive occasions during the succeeding ten years, when differences occurred with France, Russia, and Spain, we were enabled to maintain our rights without a rupture of peace; and thus, as was observed by a distinguished Admiral before their Lordships' Committee, the blessings of peace were preserved to us, and thousands of lives and millions of money saved. It had been asserted out of their Lordships' House that now seamen could not be obtained in the same manner; but he felt assured that the great body of our seamen would be ready to come forward at the call of their Sovereign; and if any held back, a law compelling them to take their share in the defence of their country would be willingly received by the seamen generally. The shipping of Great Britain continued to increase considerably from 1810 to 1815; but the general war which raged during that period throughout Europe, and latterly extended to America, so deranged the ordinary course of commerce, that no argument as to the effect of the navigation law could be drawn from it. From 1815 to 1824 some decrease had taken place in British shipping. Mr. Huskisson, in his speech, in May, 1826, had given the four following reasons, which he considered sufficient for this decline. 1. The cession, at the peace, of valuable colonies, captured, and held, during the war. 2. The abolition of the (British) slave trade. 3. The extinction of the Barbary corsairs by Lord Exmouth's victory at Algiers, which gave to the neighbouring States a coasting trade which had previously employed from 700 to 800 British vessels. 4. Diminution of employment in the transport service, amounting to 1,226 vessels, measuring 270,382 tons. The great progressive increase of British shipping since 1824, was admitted on all hands; but while the opponents of the navigation laws attributed it to the relaxations in those laws which took place between 1822 and 1825, others considered it as only the natural result of the altered state of the commercial world, arising from the emancipation of the States of South America, the increasing population and wants of the United States, and of our own colonies; and the general prosperity arising from a long period of peace. If, under such circumstances, our shipping had not largely increased, such a result would have been, as certainly, and with more justice, attributed to the navigation laws; but he had already shown their Lordships that up to the commencement of the century the increase under those laws had been steady and considerable, and a similar result might have been now expected. In considering the details of this increase of our shipping, it was necessary to advert to those Parliamentary returns of trade and navigation, which had been so much commented upon by noble Lords who had preceded him in the debate. Without intending to dispute the accuracy of these returns for the purpose for which they were primarily intended—to show the progress of trade; yet when they were applied to that of navigation, they were utterly worthless; for as they included avowedly the repeated voyages made by each vessel within the year—an increase of entries and clearances may show increased activity of commerce, but not necessarily increase of shipping. A striking example was given of this before their Lordships' Committee, where 47 seven vessels, measuring in the aggregate, 7,101 tons, were made, owing to the counting of their repeated voyages, to represent 228,127 tons of British shipping. But it was objected that these laws were useless, because, in trades between two foreign ports, our shipping was exposed to unrestricted competition, and yet carried off the prize. This was not altogether a correct statement of the case, as this voyage between two foreign ports was not, generally, an independent transaction, but only a portion of a larger venture, commencing and terminating in England: as from London to the Brazils, thence to the Mediterranean, and so back to England; in which latter portion, at least, the British ship enjoys the protection of the navigation law, thus enabling her to take a lower freight in the intermediate portion. But even in direct trades the competition is not always favourable, at present, to England; the imports from Sweden, Norway, and Denmark, are almost entirely brought in the vessels of those countries, and two-thirds of the whole imports from the United States come in American vessels. In the Brazils, the number of vessels clearing with cargoes from the port of Rio Janeiro was, in 1847—

		Vessels.	Tons.
United States of America ...		194 ...	63,753
British		94 ...	31,735
Danes	44	89 ...	28,111
Swedes	41		
Norwegians	4		

Thus showing the American trade doubled the British, while the two northern nations of Sweden and Denmark were nearly equal to that of England. But when, as proposed by the Bill before their Lordships, all protection should be taken from British shipping, the advantage must remain with those who could equip and navigate their ships most cheaply. There was one branch of our commerce which remarkably exemplified what might occur. This was the southern whale fishery, which was considered to produce our hardiest seamen; and as every one employed in it, from the master of the vessel down to the cabin boy, was remunerated, not by fixed wages, but by a share in the produce of the fishery, there was every inducement to exertion; and these exertions do not appear to have been wanting, as it is stated, that, ship for ship, they have been as successful in catching fish as their competitors the Americans; yet this trade, which in 1821 employed 164 ships carrying about thirty men each, has decreased to twenty-one ships; and in 1848 only one ship was fitting out for the southern fishery. In the same period the Americans had increased from 130 ships to 659 ships in the same trade; and this is entirely attributed by Mr. Enderby to the superior cheapness with which the Americans were enabled to equip their ships, and to Parliamentary legislation, which, in 1821, took away the bounties previously given to ships engaged in this fishery, and to the reduction in the duties on vegetable oils. Now, it appeared from the evidence before their Lordships' Committee, that a British ship of the best materials to stand for twelve years upon the highest class of *Lloyd's Register* (A 1, 12), costs, when equipped for sea, 16*l.* to 22*l.* per ton; best New York ships, 14*l.* 10*s.*; Hamburg, 11*l.* 11*s.* to 18*l.* 10*s.*; Danish, 10*l.*; Lubec, 10*l.* Wages per month — England, 45*s.* to 65*s.*; United States, 50*s.* to 62*s.*; Holland, 33*s.*; Norway, 28*s.* to 30*s.*; Prussia, 24*s.* to 30*s.*; Denmark, 24*s.*; Sweden, 23*s.* Provisions per day—England, 10*d.* to 15*d.*; the northern nations, 8*d.*; this difference arising more from the superior quantity and quality of the ration of the English sailor, than from the cost of the food. Dr. Colquhoun, Consul for the Hanse Towns, when examined before the Committee of the House of Commons, put in a very detailed statement of the cost of building, and equipping, and navigating ships in those commercial cities. He there states the cost of a Lubec ship of the first quality, destined for the transatlantic trade, when equipped for sea, to be from 8*l.* 15*s.* to 9*l.* 2*s.* per ton. Taking this as a standard, he further states, of vessels of other nations engaged in the same trades, the English are two-fifths dearer; the Dutch and Danes, somewhat dearer; the Swedish and Norwegians, three-sevenths cheaper, but not so durable; Finnish, four-sevenths cheaper — not so durable as Lubec, but better than Swedish. Provisions in Lubec ships, 10*d.* a day. The greater expense to the British shipowner, in wages and provisions, as well as in building and equipping his ship, is here distinctly shown. The two first items are undisputed; but with regard to building, it has been asserted, that although the first expense of the British ship is greater, it is more than compensated by her greater durability. The reply given to this argument by Mr. Wigram, the eminent shipbuilder of London, would seem conclusive. He stated to their Lordships' Committee, that—

> "The difference would be so much in favour of the foreign ship, as to return the capital invested in her with interest, and all expenses of navigating her, so far as I have been able to ascertain them, in a much shorter time than the English ship; for instance, the English ship would require eight and a half years to return the capital invested, when an American ship built of materials and workmanship to be registered twelve years in *Lloyd's Register*, would return the capital in five years. The owner would also have the advantage of the difference of cost, as a capital which he could employ in other parts of his business."

The clause of the Navigation Act which prohibits the importation from Europe, in any ship whatever, of the produce of Asia, Africa, and America, has been complained of as absurd; but it is evident, that wherever it could be imported into the continental parts of Europe more cheaply than by British ships, it would be always brought here from those ports, as the supplies were required, thus depriving the British ship of the long voyage, and throwing the ships and men now engaged in it, out of employ; and not only that, but might interfere considerably with the coasting trade; as much tropical produce imported into London is afterwards sent coastwise to the different towns on the south and eastern coasts of England, which, if the law permitted, might be sent direct to those towns from the ports of Holland at as small a cost as from London. It was also stated to their Lordships' Committee that the British manufacturer had an advantage over his foreign competitor, from all Indian produce coming first to this country, giving him the first choice in the market of those materials required in his trade. It had next been objected to the continuance of the present laws, that foreign nations were disposed to retaliate upon us our own prohibitory system; and that in such case, besides inconvenience in the direct trades, we should at once lose an amount of indirect trade, equal to 225,000 tons of shipping, or one-sixth of our whole European trade. He, however, considered it very doubtful whether foreign nations would be so disposed to act, and thereby lose the advantages they possessed under the reciprocity treaties. The real tonnage of shipping employed in the indirect trade, appeared also to be exaggerated from the mode already alluded to, of including repeated voyages. From the tables placed by Mr. Porter before their Lordships' Committee, it appeared almost certain that these voyages between two foreign ports were only small portions of an entire voyage which would equally be made, though in a different course; or that they were short voyages often repeated in the course of the year, in which case the real amount of tonnage liable to be thrown out of employment must be proportionably diminished. In proof of this, he would state, that of 81,000 tons of shipping which entered the Russian ports of Odessa and Taganrog in the Black Sea, 74,000 tons entered from ports of Turkey, and above 2,000 tons from other ports of the Black Sea, leaving less than 6,000 tons from distant parts. So, of 20,500 tons entering the ports of Messina and Palermo, above 17,000 came from other ports of Sicily or of Italy. He came, now, lastly, to the question of the colonial trade, to which he would only briefly advert, having already trespassed upon their Lordships' patience. The representations of grievance came chiefly, if not entirely, from the West Indies and Canada. The complaints of Jamaica and Trinidad were, that they were restricted to British ships for the carriage of their staple produce, and the latter island further complained that the Navigation Acts prevented her from receiving many articles from France and Spain in French and Spanish vessels, and from carrying on a profitable indirect trade with Venezuela. Now with respect to the carriage of their staple produce, the only restriction was in the voyage to England; and it was shown to their Lordships' Committee, by numerous witnesses competent to speak to the fact, that there was no want of British vessels to bring home the produce at reasonable freights; and the present law permits foreign vessels to export to all parts except to England. The prohibition to import into Trinidad in French or Spanish vessels, arose from the refusal of those countries to grant corresponding privileges to England; but even under these circumstances Her Majesty had power to admit those unconditionally, by Order in Council, and also by the same authority to erect free warehousing ports in Trinidad, to which foreigners might bring articles of commerce for re-exportation, taking in return such others as they might require, and thus making the desired entrepôt. Why Her Majesty's Ministers had never advised the issue of such Orders in Council it was for them to state. Canada, from its peculiar geographical position, as well as from the loss of fixed protection to its agriculture, demanded, perhaps, the most consideration from their Lordships; and he did not believe there would be any disposition in that House to prevent the Canadian Assembly from legislating with regard to their internal matters as might seem most consistent with their prosperity. But Lord Elgin had already stated in his despatch of March, 1847, that almost all the grievances complained of regarding the lower navigation of the St. Lawrence would be removed by the creation of Montreal into a free port: this as he (Lord Colchester) had already stated in regard to Trinidad, could be effected without any fresh legislative enactment. At the same time he felt the colonies, in their present depressed state, to be deserving of whatever relief their Lordships could give, short of breaking down the principles of the navigation law. Having now, as he trusted, shown that the original intention of the navigation laws was to promote the wealth, safety, and strength of these realms, by the encouragement of British shipping and British seamen; that under this system there had been raised up a great commercial marine, the basis of a powerful Royal Navy; that this increase of British shipping had been gradual and constant, and not confined to any late period; he trusted that their Lordships would not, this night, risk the loss of that naval greatness we now enjoyed, and with it the loss of our national greatness, by agreeing to what the noble Marquess, who opened the debate, openly and candidly avowed to be a repeal of the navigation laws. He, therefore, moved as an Amendment to the Motion of the noble Marquess, that this Bill be read a second time this day six months.

Original Motion and Amendment put.

The Duke of ARGYLL said, that it was with great reluctance that he trespassed upon the attention of their Lordships upon a subject as vast as it was important; and to the discussion of which, he was deeply conscious, he brought both powers and information greatly inferior to many noble Lords who had preceded him; but being locally connected with some of the most important maritime and commercial communities in this country—the western districts of Scotland—several representations had been made to him with reference to this measure, which he trusted would be an apology for his unwillingness to give a silent vote. He would not, however, do more than explain very briefly the grounds upon which his vote would be founded. There were three great general points of view in which this subject might be, and had been, discussed: first, with reference to the abstract principles of free trade; next, upon its own intrinsic merits; and, lastly, on the ground of the political situation of the country. With regard to the first of these points, he believed his own opinion would not be at variance with the general opinion of that House. He had no sympathy with those who would make the maxim of buying in the cheapest and selling in the dearest market a dogma to be applied in every case, and under all circumstances. A celebrated Member of the other House of Parliament had said, in the course of a debate upon this subject last year, that though he believed this country could maintain competition with foreign countries, yet if he had been unable to support that argument, he would still have voted for this Bill, because he considered that in all cases, and under all circumstances, we ought to buy in the cheapest market. He (the Duke of Argyll) could not quite concur in that proposition, neither could he agree with the noble and learned Lord (Lord Brougham), who had addressed the House in the early part of this debate, that this question had no connexion with the principles of free trade; because it appeared to him that it had precisely the same connexion with free trade that the repeal of the corn laws had. What was the ground upon which Adam Smith objected to the removal of the navigation laws? He took it for granted that they were essential to the defence of the country, and that if they were repealed, we should be unable to compete with foreigners in the matter of navigation. But he (the Duke of Argyll) apprehended that if Adam Smith had entertained the same views with regard to free trade in corn—if he had believed that the removal of restrictions upon the imports from foreign countries would have ruined the farmer—he would have opposed the repeal of those restrictions. The question turned in both cases upon whether it was probable or not that they would be able to maintain their competition with foreigners. He (the Duke of Argyll) had carefully considered the whole bearings of the subject to the best of his ability; and he would not give his vote for this Bill if he did not sincerely believe that they were able to maintain competition with foreign countries. It appeared to him that there was a *primâ facie* case against the probability of their being defeated in competition by the foreigner. He founded that position on the geographical situation of this country; on the capital it possessed; on the energy with which that capital was applied; above all, upon the maritime genius of the people — on everything, in short, which had made England what England was. But he founded that opinion further on the experience of the past. But then arose the question, was he to take the past as a period of protection, or as a period of relaxation? He had observed that noble Lords, and others out of doors, who argued against this Bill, were apt to treat the past alternately as a period of free trade and a period of restriction. If they wished to dwell upon the advantages of restriction, they showed the great power which this country possessed, the enormous amount of capital invested in shipping and shipbuilding, and the large number of the merchant seamen. If they wished, on the other hand, to consider the time as one of relaxation, they spoke of the great decline which had recently taken place in the profits of the shipowner. It appeared to him that this was not a satisfactory mode of argument, but that they must take the combined character of the period with the combined character of the result. Looking at the past in this point of view, it seemed to him to have been a period of progressive relaxation, and a period of progressive and enormous increase in our maritime prosperity. The noble and learned Lord (Lord Brougham) had thrown overboard entirely one of the great arguments of the protectionists out of doors. They referred to the treaties of reciprocity, and asserted that the consequences of those treaties had been most fatal to the British mercantile marine. But the noble and learned Lord announced that he had no objection to these reciprocity treaties. A right hon. Gentleman (Mr. Herries) had, in another place, spoken of treaties of this kind as a disagreeable necessity; while, on the other hand, another hon. Gentleman (Mr. Walpole) had alluded to them as beneficial in their effects. It was true, as the noble and learned Lord had remarked, that the question of reciprocity treaties was not now before the House; but if the arguments of many of the protectionists were sound, they would go to the repeal of such treaties; and if those Gentlemen did not ask for the repeal of those treaties, it was not because they believed it would be the abandonment of a sound for an unsound commercial principle—not because it would be going back to a system of commercial feudalism, in which their hand would be against every man, and every man's hand against them—but simply because they knew they could not get that repeal. If, then, it could be proved that the consequences of relaxation and of reciprocity treaties had been advantageous to the commercial marine of this country, it would be a great encouragement to them to go forward in the path of relaxation. The noble and learned Lord had referred to the effect which reciprocity treaties with foreign Powers had had upon the commercial marine engaged in direct trade with those countries. He (the Duke of Argyll) believed it to be a fact, that with regard to Denmark and other States on the Baltic, the ships of those States had engrossed the greater portion of the direct carrying trade; but he thought this might be accounted for by the circumstance, amongst others, that the Baltic trade was to be regarded more in the nature of a coasting than of a foreign trade. A protectionist gentleman who had been examined before the Committee of that House, when asked why he did not employ his ships in the Baltic trade, replied, "Because they are too good, and I find better employment for them elsewhere." He would also refer their Lordships to the effect of the reciprocity treaties upon the direct commerce between this country and the United States. The noble and learned Lord (Lord Brougham) had objected to all statements of statistics; but the statistics to which he (the Duke of Argyll) was about to call their Lordships' attion had this advantage, that they did not come from Mr. Porter, but from protectionist authorities. In considering the effect of the reciprocity treaties, and the relaxations they had introduced, they must also take into account the probable, or rather the certain, effects which a contrary policy would have entailed upon this country. They could not adopt a middle course; reciprocity they must have, either in restriction or relaxation; and if they did not proceed on the principle of relaxation, but upon that of restriction, other nations would act upon the same principle. In considering, therefore, the result of the two policies, they were bound to take into consideration the effect which a retaliatory policy would have upon their own commercial marine. He would direct their Lordships' attention to the results entailed by the restrictive system upon the commercial marine of this country trading with the United States. Their Lordships were aware that a celebrated work had been published by Mr. Ricardo, a Member of the other House, entitled, *An Anatomy of the Navigation Laws ;* and, in answer to that book, another very able work had been published, under the title of *Mr. Ricardo's Anatomy Dissected.* In that work he found a passage illustrating the effect which the restrictive system had had upon the direct commerce of this country with the United States. In 1789, 94,000 tons of British shipping were entered at ports of the United States ; in 1790, the entries were 216,000 tons, being an increase of 120,000 tons; and that increase England maintained till 1792, when the Americans, in retaliation, imposed their navigation restrictions against England. Now, he asked their Lordships to mark that, in the next year, 1793, the tonnage of English ships entered in the ports of America fell from 216,000 tons to 100,000 tons, or less than one-half ; in 1796, it had fallen to 19,000 ; there was afterwards some fluctuation, but in 1811, the tonnage of British ships entered in ports of the United States had fallen to 10,000 tons. In the course of eighteen years of restriction, therefore, the tonnage had fallen to less than one-twentieth of what it had been before the retaliatory law was adopted. In 1815, the reciprocity treaties were made, but it was not till 1831 that the tonnage of English ships entered in American ports reached the amount it had attained in 1790, and from which it had fallen, under a retaliatory system. It appeared to him that all these considerations were highly important in any discussion regarding the navigation laws, for a country like England was bound to look attentively at any code of laws which affected her commercial interests. Then, with regard to the carrying trade, an eminent witness before their Lordships' Committee had done him the honour to address some representations to him. He (the Duke of Argyll) put a question to him as to the ships of what nation they dreaded most in the carrying trade. He replied, they dreaded most the Baltic ships in the shorter, and the American ships in the longer voyages. It appeared to him that they might acquire some knowledge by looking to the returns of the Baltic ships that enter the ports of the United States under the existing system, because, under that system, the American navigation law was more severe against England than against the other maritime nations of Europe. This was in consequence of their restrictive system. He would refer to the evidence of Mr. Richmond, who gave an account of the tonnage of the different vessels that entered the ports of the United States. The tonnage of ships entering the ports of the United States from the united kingdom alone, in the year 1846, amounted to 255,546 tons. In the same year, what was the amount of tonnage from the Baltic Powers? The amount in that year of Prussian, Swedish, Norwegian, and Danish tonnage, all put together, was 11,594 tons. That is, the British exceeded the Baltic tonnage by more than twenty-two fold—and this in spite of the fact that those Powers enjoyed carrying trades with America from which we were excluded. It appeared to him that there must be a strong presumption, that when the ships of the Baltic Powers came into competition with them on equal terms, that they would not press much harder upon them. He should next refer to the third ground on which the question had been discussed—he meant that which had reference to the political situation of the country. He had already said, that did he conceive they would be unable to stand in competition with Foreign Powers, no inducement could make him vote for this measure, not even the inducement held out by the noble Marquess, that, in the event of the measure being defeated, he would retire from power ; even that argument would not induce him to vote for the measure if he thought they would be surpassed by foreigners; but he did not think so. Did he entertain the belief on which the evil prophecies of noble Lords opposite were founded, he should be infinitely less proud of England—less proud of her past history—less hopeful of her future destiny. But he entertained no such opinion. They were all proud of the victories their countrymen had won on the fields, and espepecially on the seas, of battle; but he believed they might be prouder still in the conviction that they could gain a victory which was nobler yet, because a victory on which all other victories must ultimately depend—that they could enter the lists and win the prize in the peaceful race of industry.

The EARL of ELLENBOROUGH: * My Lords, although I should be content to rest my opposition to this Bill on the speeches of my noble and learned Friend (Lord Brougham), and my noble and gallant Friend behind him (Lord Colchester), to the first of which an answer has been attempted, but to the second none whatever has been given, still I trust your Lordships will permit me, deeply interested as I am in every measure which affects the Navy, shortly to express my opinion.

My Lords, I entirely concur with my noble and learned Friend in the view he has taken of the state of Europe, and of the precarious character of the peace. I am unwilling under present circumstances to diminish our marine by one ship, or our seamen by one man, and the Bill would tend to undermine the strength of our Navy both in ships and men. I concur also with my noble and learned Friend in considering the question raised by this Bill to be unconnected with the principle of free trade.

For myself, I have at all times when in this country, seen reason to support the several measures introduced by different Ministers for the relaxation of our commercial code. I have willingly acquiesced in measures having for their object the increase of the national wealth, where I thought the pursuit of that object was not accompanied by danger to the material interests of the country. I make my stand here, because I believe we cannot pursue wealth, as it is proposed that we should pursue it by this Bill, without endangering the mercantile marine, with the prosperity of which is connected the security of the country. "Security is of more importance than opulence"—such was the declared opinion of the great author of the principles of free trade, Dr. Adam Smith; and it is in the name and as the disciples of the first of free-traders that we oppose this Bill.

The noble Marquess (Lord Lansdowne) has spoken in disparagement of the remnant, the fragments of the navigation law, which it is the object of this Bill to repeal; but if your Lordships will refer to the statement of the main provisions of the law as they still exist, which is contained in the circular letter addressed by Lord Palmerston to the British Ministers at foreign Courts, you will see that these fragments are great blocks of legislation affecting the whole coasting trade, the whole colonial trade, the whole trade with Asia, Africa, and America, and in a very material degree that with Europe. It is true that the original system has not been preserved in its integrity, but enough yet remains to produce great and beneficial results, and I am satisfied with the efficacy of the law as it stands. For I see by the returns, that on the average of the two last years in the account, the British tonnage employed inwards in the trade of the united kingdom, with the British North American colonies, is five times greater than the British tonnage employed inwards on the average of the same years in the trade with the United States; but the population of the United States is eight times greater than that of the British North American colonies, and the wealth of the United States is greater than that of those colonies in a yet larger proportion; but if our trade with the British North American colonies bore only the same proportion to our trade with the United States, which the population of those colonies bears to that of the United States, the British tonnage employed would not exceed 27,000 tons. It amounted on the average of those years to 1,083,000 tons, that is, it was forty times greater than it would have been without the aid of the law by which it is protected. Depressed as has been the trade with our West Indian colonies of late years, still on the average of the same two years the British tonnage employed inwards in the trade with those colonies, approached within 10,000 tons the amount of tonnage similarly employed in the trade with the United States; and it was equal to the whole tonnage employed in the same years in the trade with Mexico and the foreign West Indies and all the rest of America, exclusive of the occasional trade with Patagonia.

Again, there has been a very much larger increase in the British tonnage employed in the trade with the British North American colonies, than in that employed in the trade with all the rest of America. The former has increased 648,000 tons since 1824. The latter has increased only 336,000, so that the increase of the

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* From a report published by Ridgway.

British tonnage employed in the trade with British North America is nearly twice as great as the increase of the British tonnage employed in the trade with the United States and all the rest of America.

I say, therefore, that fragmentary as the system may be, it produces the effect it is intended to produce—the maintenance and the increase of British navigation, and therein the security of this country. And certainly, my Lords, never has there been a period, when the maintenance in all its efficiency of our marine, with a view to the national security, has been more necessary to us. The noble Duke who spoke last (the Duke of Argyll), would infer, from the circumstance of British ships having been enabled in past times to compete with foreign ships in some ports where they meet them on equal terms, that under the system to be established by this Bill, our ships could every where do the same. But I deny that any such inference can justly be drawn from the past. During all past time there has been extensive protection given by law to British ships, and the advantage derived from this protection in the trade to which it has extended, has enabled the owners of ships to employ them in ports where there has been no protection, at lower freights than they could have afforded to take without the advantages so enjoyed elsewhere. But we have no experience to lead us to the conclusion, that without any protection in any foreign trade our ships could successfully compete with the ships of foreigners; and we are not in a position to incur any risk in a matter vitally affecting our interests. For observe, my Lords, what would be our position in the event of a war. Consider only the amount of naval force it would be necessary for us to have at sea to protect our trade, and the many exposed points of our foreign possessions. At the conclusion of the last war, when the fleets of the enemy had been swept away, and we really had the supremacy at sea, which we should now have to fight for, we had 160,000 men, and nearly 1,000 ships—and now we have more points to defend. Since 1815, our establishments in Australasia have been much extended. They are very valuable, and wholly without the means of self-defence. We now occupy a station in the Canton river, and our trade with China is carried on at three ports instead of one, and each requires naval protection. We have established, and I much regret it, a new colony in New Zealand, requiring naval as well as military protection; and more in the spirit of romance than of policy, we have created an establishment in Labuan. Nor would this be all. In the event of a war, it would be absolutely necessary for us to occupy at once some station for our fleet in the Pacific.

With these new demands upon our force, what is our relative position with respect to foreign Powers? Be assured, my Lords, we are no longer in the position of paramount strength in which we stood on the evening of the battle of Trafalgar. Noble Lords have spoken of the supremacy of the seas as if we still possessed it. We have no longer the supremacy of the seas. In the event of a war with France alone, we should have to contend in the first instance in equal fight with the well-appointed fleet of France. I trust there can be no doubt as to the ultimate result of the contest; but depend upon it, it would be a severe contest, in which all our energies would be required to secure success. The French have at sea as powerful a fleet as ours. They have an establishment of seamen and marines very little inferior in number to ours, and having less trade, and much fewer points to guard, they have a much larger disposable force for European service. They have, besides, a system which enables them rapidly to increase their establishment in the event of war. Our resource is in our mercantile marine which this Bill will impair.

Further, in 1814, the United States had a small, however well-appointed navy. They have largely increased that navy, while the great accessions to their mercantile marine would enable them to send to sea a vast number of small cruisers to act against our trade, and we should be compelled to employ a number of similar cruisers for its protection. And although strong in line-of-battle ships and heavy frigates, we are not strong in smaller ships of war. Nor would our dockyards afford us the means of building a sufficient number of such ships. We must have recourse to the merchants' yards. But this Bill, enabling British merchants to use cheaper foreign-built ships in preference to ships of British build, will dimish the number and the extent, and the capabilities of the merchants' yards, and this resource would be impaired. We have in former wars largely availed ourselves of it; and even in peace, when an increase of exertion has been required in our dockyards, we have drawn the necessary number of shipwrights from the merchants' yards at once. This we shall be unable to do when this Bill has been for some years in operation.

Moreover, Russia has now a formidable fleet in the Baltic, and another in the Black Sea. She has a large military marine, although she has but few ships employed in commerce, and these fleets, regularly exercised, are fit for summer service, although unequal to a winter cruise; and it must not be forgotten that since the invention of steam vessels every State which has a port can have a steam navy, however small its mercantile marine. Even Austria and Naples have at sea no inconsiderable squadrons of steamers.

But we should do wrong if we did not consider the present state of the navies of foreign Powers in conjunction with the changes which have taken place in their military position. In former times the Continental States had peace establishments, which left few troops disposable in the event of sudden war. It was necessary to make long previous preparation for war, and thus ample notice was given for preparations of defence. Now, the peace establishments of the Continental Powers are equal to their war establishments in former times; and the substitution of railroads for the ordinary roads, by which in former times armies could only slowly move, while all had knowledge of their movements, has enabled States to bring a preponderating force suddenly from the most distant quarters to the port of embarkation; and there they find, what has not improperly been termed a steam-bridge from the Continent to these islands. It is absolutely necessary for us to command that bridge, and to be able to destroy it. For what is our military position? We stand unarmed in the midst of an armed world. While Continental States have, in addition to their regular armies, a large force of national guards, which renders their whole armies disposable beyond the frontier, we have even allowed the militia, on which we formerly placed some reliance, to fall into disuse, and we have not substituted force for it. We have adhered to the old system of a small peace establishment. In the event of war, our military means at home hardly enable us to send adequate reinforcements to our numerous garrisons and colonies. We have literally nothing to rely upon for our defence but the naval cordon, which it is the tendency of this Bill to weaken and destroy. Behind that cordon we have no force whatever; and since the application of steam to naval purposes, that naval cordon does not afford the same degree of certain protection which was derived from a decided superiority in sailing ships.

Such being our position, observe, my Lords, in how many ways the Bill will impair our naval means, upon which alone we depend for security. It first repeals the provisions whereby all British ships must have a certain number of apprentices. Since 1835 those provisions have introduced into the mercantile marine 70,000 seamen; and we have the evidence of Lieutenant Brown, the registrar of seamen, that the seamen so introduced by apprenticeship are of a superior description to those who entered the mercantile service before the Act was passed. Undoubtedly, I inclined to the opinion that the concurrent operation of the law of apprenticeship and of the measure of employing a great number of boys in the Navy, brought every year into the maritime service a larger number of persons than employment could be found for when they became men, and hence that many went into foreign service; but it is the measure of employing so many boys in the Navy which it would be desirable to abandon, not the law of apprenticeship. A man-of-war is not the best school for the education of boys for the naval service; and the efficiency of the ship's company is much impaired by having so large a proportion of its number composed of these boys. It would be far better to consider how the law of apprenticeship may be amended so as to bring the apprentices for a short period into the Navy on the expiration of their engagements; and thus to make them acquainted with the discipline of a man-of-war and with gunnery. Now, indeed, in the event of war, we may obtain from the merchant service good seamen who can go aloft; but we then want seamen who can also fight guns; and the improvement I suggest would afford us this advantage, and give a degree of efficiency hitherto unknown to the reserve we possess in our mercantile marine.

Again, the Bill permits the general employment of Lascars instead of British seamen. I have much respect for the natives of India—more, however, for those who serve ashore, than for those who serve afloat—but I entertain much apprehension of that result, which the noble Earl (Earl Granville) seems to contemplate with satisfaction, as a relief to the shipowner, namely, the employment of Lascars in the voyage out to India and China. I am unwilling that Lascars should be substituted in that trade for the finest seamen I ever saw. I have been on board of many of Her Majesty's ships considered to be well manned; but I have hardly seen in any man-of-war thirty seamen as fine as almost all the seamen are in the packet ships employed in the trade to India. I cannot bear to see such seamen give place to Lascars.

By another provision of this Bill, it is no longer to be required that British ships should be of British build. I have already observed how serious an injury would be inflicted upon our Navy, were it to be deprived of the resource it has so extensively derived in war, and even in peace, from the merchants' yards. This point was strongly pressed upon the Committee by Admiral Sir Byam Martin, and certainly there could be no one entitled to more respect, and possessed of more authority, upon this subject.

But the main feature of the Bill is the provision under which British ships are to compete on equal terms with foreign ships. There is nothing in the past which can justify our expectation that British ships can so compete with success. We may build steamers cheaper, and in short voyages made by steamers we may compete, and, considering the contradictions in the evidence, it is possible that there may be ports in which we can build an inferior class of ships as cheaply as such ships can be built in some foreign port; but we cannot sail our ships as cheaply as the foreigner. The bulk of trade must always be carried on, not by steamers, but by sailing ships; and if we are unable to sail our ships as cheaply as the foreigner, there is no limit to the reduction which may take place in our mercantile marine. Yet upon the maintenance of that marine, in all its efficiency, on its extension in due proportion to the extension of the marine of foreigners, we depend altogether for the security of the country.

My Lords, at whose instance is it that we are asked to incur this danger? We are told that it is asked by our unfortunate West Indian colonies. Their poverty, but not their will, consents. It may be, that some amongst them, in their extreme distress, may have desired changes, which would afford but small relief to them, while they would impair the naval power of this country, by which alone they can be protected. But hear, my Lords, in what terms, with what evident misgivings, they in their agony ask you to relieve them from the navigation law. This is the petition of Antigua:—

> "Your petitioners submit, that the carriage of the staples of the colony to market, constitutes an important item in the cost of their production—that the carriage is restricted to British shipping by the navigation laws, thereby depriving the colonists of the advantage of a cheaper foreign carriage.
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> "That your petitioners ever entertained a reverential regard for those laws, as the basis of the national glory and prosperity; but public opinion having uprooted convictions equally strong upon questions of equal gravity and importance, your petitioners are admonished of the possibility of their error in regard to the navigation laws, and struggling for existence against beggary and ruin are constrained, however reluctantly, to enter their protest against this restriction and protection in favour of British shipping, as entirely indefensible upon the all-powerful principles of free trade."

But Canada also desires the repeal of the navigation law in her favour. I think I observed the other day, in a petition presented from some place in Canada, by the noble Earl the Secretary for the Colonies, a disclaimer on the part of the petitioners of any intention to give an opinion as to the effect which the measure they asked for their own advantage, would have upon the general interests of the empire.

I admit that, under the circumstances stated by the petitioners, in Canada they have a strong claim to the favourable consideration of Parliament, if any measures can be devised for the accomplishment of their object, without affecting the general interests; but I must observe as to all these colonial questions, that I do not recognise in colonists a Canadian or a West Indian. I recognise only an Englishman residing in the West Indies or in Canada. The Englishman residing in the colonies possesses all the privileges, and he cannot divest himself of all the duties, of British citizenship. If he should transfer his ambition to this country, he may enter the professions of the law, or the Church, or the military professions, as many have done, or he may obtain admission to Parliament, and hold the highest place in the councils of his Sovereign. He pays no portion of the interest of our debt, although much of it has been incurred in measures for his protection. He defrays no portion of the present charge of our Army and of our Navy, although that charge is increased by the provision of force for his defence. When sudden, unforeseen calamity afflicts him, the liberal hand of the Imperial Parliament is stretched forth in his aid. When his own credit is insufficient to enable him to raise the sums required for the completion of great works, essential to his prosperity, the credit of the Imperial Parliament is substituted for that of the colonies; and it is not unreasonable and unjust that, cherished and protected as he thus is, we should ask him to endure, together with us, the burthen of the navigation law, from which alone we derive the means of extending to him that naval protection without which his connexion with this country cannot be preserved.

We have been told of approaching difficulties with foreign Powers if we should adhere to our navigation law, to which for 200 years these foreign Powers have submitted; and we have even heard of threats which have been addressed to us upon this subject. I do not understand a threat from any foreign Power being addressed to us if the affairs of this country be properly administered; but if, in whatever form, intimations have been given by foreign Powers of their desire to see effected an alteration in our law, in which they have so long acquiesced — intimations which, when we consider the language used by Her Majesty's Government, would seem rather to have been invited than deprecated—I am satisfied that the course of previous negotiation, for the purpose of obtaining advantages in their ports, corresponding with those we may be willing to concede to them in ours, would be far preferable to the course adopted in this Bill, which provides for subsequent retaliatory measures against foreign Powers, if the concessions made by us should not be altogether reciprocated by them; but I confess I had rather see a negotiation upon such a subject conducted by other Ministers than those who have evinced so strong a bias of opinion, that they might be expected to concede every thing without an equivalent.

Be assured, my Lords, that wealth is as little the sole source of good to nations as it is to individuals, and the pursuit of it, with undue and blind eagerness, is as little consistent with safety as it is with respectability. It would be indeed a fatal error were we, in the pursuit of wealth, to neglect the strength by which alone wealth can be preserved. It would be a fatal error were we to rely upon the memory of past victories for our protection from present dangers, and trust that the pacific aspirations of our wealthy and weak state will conciliate the forbearance of the poorer, but armed and powerful neighbours, whom, in the pride of our strength, we struck down. Depend upon it, my Lords, we have done that which can never be forgiven; and continued strength, and provident preparation, can alone protect us from revenge. Mere wealth will only allure the hand of the spoiler.

I know well that the several parts of this great empire, faithfully banded together, making mutual sacrifices for mutual security, may for ever stand against the world; and, under our old constitutional Government, may enjoy a larger portion of prosperity, and a larger portion of real liberty, than can be attained in any republican State; but if partial interests are allowed to outweigh the general interests of the empire—if public avarice be allowed to absorb every public virtue, and the acquisition of present temporary profit be made the sole object of our legislation, we shall fall, as others have fallen before us, by neglecting the means by which we rose to greatness, and we shall fall unmourned, unhonoured—and despised.

On Motion of the Earl of CARLISLE, debate adjourned till To-morrow.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 7, 1849.

Minutes.] New Member Sworn.—John Arthur Roebuck, Esquire, for Sheffield.

Public Bills.—2° Parliamentary Oaths; St. John's, Newfoundland, Rebuilding; Grants of Land (New South Wales).

Petitions Presented. By the Sheriffs of London, from the City Corporation, for the Abolition of the Oaths of Supremacy and Abjuration.—By Mr. Plumptre, from Bristol, against the Parliamentary Oaths Bill.—By Mr. Hume, from Castle Acre, Norfolk, for an Extension of the Suffrage; and from Exeter, for Universal Suffrage.—By Mr. W. Lockhart, for the Separation of Church and State.—By Mr. Cobden, from Heckmondwike, Yorkshire, for the Clergy Relief Bill.—By Mr. Duncan, from Dundee, for Inquiry into the Ecclesiastical Revenues.—By Sir David Dundas, from Golspie, against, and by Admiral Benbow, from Cradley, Worcestershire, in favour of, the Marriages Bill.—By Sir William Morison, from Kinross, against the Marriage (Scotland) Bill.—By Mr. E. Ellice, from the University of St. Andrews, against the Sunday Travelling on Railways Bill.—By Mr. C. Howard, from Cumberland, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Henry, from several Places, respecting the Lancashire County Expenditure.—By Mr. Lushington, from Westminster, for the County Rates and Expenditure Bill.—By Mr. Fuller, from the Cuckfield Union, for Exempting Counties from the Expense of Constructing Gaols.—From Places in the Eastern Division of Suffolk, for Repeal of the Duty on Malt.—By Mr. Alexander Hastie, from Glasgow, for Repeal of the Duty on Paper.—By Mr. E. Ellice, from St. Andrew's, for Reduction of the Public Expenditure.—By Mr. Halsey, from the Watford Union, for Rating Owners of Tenements in lieu of Occupiers; and from Sawbridgworth, for Agricultural Relief.—By Mr. Miles, from Frome, for an Alteration of the Conditions on which Grants for Education are Dispensed.—By Mr. Plumptre, from Brighthelmstone, for Encouragement to Schools in Connexion with the Church Education Society for Ireland.—By Sir R. Ferguson, from Dysart, against the Lunatics (Scotland) Bill.—By Mr. Alcock, from the Epsom Union, for a Superannuation Fund for Poor Law Officers.—By Sir H. W. Barron, from Waterford, and other Places, for Assistance to complete the Waterford and Limerick Railway.—By the Earl of Lincoln, from Falkirk, and by other hon. Members, against the Registering Births, &c. (Scotland) Bill.—By Mr. Alexander Hastie, from Glasgow, for Inquiry respecting the Roads and Bridges of Scotland.—By Mr. Hume, from Taunton, for Reduction of the Salaries of Public Officers.—By Sir James Graham, from Ripon, for an Alteration of the Sale of Beer Act.—By Mr. W. J. Fox, from Oldham, and by other hon. Members, for referring International Disputes to Arbitration.

EASTERN COUNTIES RAILWAY REPORT.

Mr. CHARTERIS said, seeing the noble Lord the First Minister in his place, he rose to ask the question of which he had given notice. Before he did so, however, as considerable misunderstanding existed as to the object which he had in view, it being supposed by many that his question was directed against some individual Member of the House, than which, he assured them, nothing could be further from his intention; and, besides, as many of those present might not have a printed copy of the report of the Committee appointed to inquire into the financial affairs of the Eastern Counties Railway Company, he should read a short extract from that report, the better to explain the purport of his question. The Committee said—

"In the investigation of the disbursements under the head of Parliamentary expenses, there are several items, the precise character of which your Committee could not arrive at. The items referred to are the following—

1846					
April 17.	Parliamentary expenses,	A	£500	0	0
April 24.	ditto...............	A	3,000	0	0
April 28.	ditto...............	A	2,406	17	6
"	ditto...............	A	1,700	0	0
			£7,606	17	6

In reference to the amount of the items marked A, namely, 7,606*l*. 17*s*. 6*d*., the explanation given to your Committee by Mr. Waddington and Mr. Duncan was, that the sums, as stated, were disbursed by the company through them, for services rendered, and in a manner which did not leave them at liberty to give particulars, as these could not be given without implicating other parties."

Now, he had to remark that some of these parties affected by this report were Members of the Legislature, and that rumours of an unfavourable character were abroad that this sum of 7,606*l*. had been expended in facilitating the passage of Bills through that House; in other words, and in plain English, in corrupting Members of the House of Commons. He could not believe that hon. Members had been guilty of conduct so degrading and disgraceful, but he could not think at the same time that they ought to pass the rumour without notice. He did not think they ought to leave such a rumour to poison the public ear uninvestigated, and therefore he thought they must institute an inquiry into a statement such as that, not only affecting as it did the character of the House, but exciting grave suspicions as to the private honour and character of individual Members of the House. He thought they ought to institute an inquiry into the items of this expenditure. He believed that an inquiry would show that there was no foundation for those rumours; but if it should turn out otherwise, they should yet have the satisfaction of detecting the individual Members who had been guilty of corruption, and of holding them up to the reprobation of all honourable men. He, therefore, begged to ask the noble Lord whether his attention had been drawn to the report which had been recently published by a Committee appointed to inquire into the management of the affairs of the Eastern Counties Railway Company, in so far as it affected the general character of this House?

Lord J. RUSSELL: I agree with the hon. Gentleman, that the words alluded to do tend to excite suspicions affecting the character and credit of this House. For my part I do not believe there is any foundation for the rumours, affecting still more deeply the private character of individual Members; but I do agree with the hon. Gentleman that it is not right to leave these words given forth by a Committee, a public Committee of persons of known name and character, without inquiry. I do not think it would be any advantage that that inquiry should be instituted by one of the Members of Government, although, if it seems desirable, and is the general wish of the House, I shall not refuse to ask some Member of the Government to move for a Committee. But I think the hon. Gentleman, having turned his attention to the subject, and the question being a question affecting the character of Members of the House, it were better that the inquiry should be conducted by the hon. Gentleman, assisted, as

I believe he will be, by leading Members of all parties, than that it should be undertaken by the Government. I trust that, after considering the subject, and taking what means he thinks proper for ascertaining the opinion of Members of the House as to the best mode of instituting and conducting the inquiry, he will undertake this important inquiry himself, and that he will not let it rest till he has investigated the matter to the foundation.

MR. WADDINGTON said, he did not rise to offer any remarks with a view of stopping any inquiry which the House might think fit to make; but he wished to inform the House that he was not aware of the remarks quoted by the hon. Gentleman till he saw them in print, or that other observation made by the Committee, when they said—"The Committee did not further press this question, as it appeared to be one which Mr. Waddington could not answer, lest it might be asked again 'in another place.'" He assured the House that he had named no hon. Member whatsoever before the Committee, but quite the contrary; he had made no observation or remark with regard to the House of Commons, reflecting on individual Members, or in any way implicating any Member of the House. As soon as the Committee's report was published, the directors of the company took the only course which could gain them the public attention, by issuing a series of observations in reference to that report. These observations had been issued, and he would now read the remarks of the directors in reference to this sum of 7,606*l.* They said—

> "In reference to an expenditure, however, of 7,606*l.*, which is referred to in the Committee's report, the directors think it right to say that it was made to bring about important benefits for the company, by assisting a Committee in April, 1846, called the Size-lane Committee, formed for the purpose of carrying out the scheme of amalgamation with the Eastern Counties and London and York interests, which had been proposed by Mr. Hudson at the meeting in 1845, and which had been received with such unbounded satisfaction by the shareholders; and of that Committee Mr. William Cash was a member. Had the objects of that Committee succeeded, an enormous amount of expenditure, Parliamentary and otherwise, would have been saved; and that these objects were legitimate and proper, are sufficiently established by the fact that a gentleman of such respectability acted upon the Committee."

That was the answer the directors had given to the proprietors in reference to this sum. He now begged to assure the House, as a man and a gentleman standing before a great and honourable assembly, that no Member of the House, directly or indirectly, had received a single shilling of that sum. He thought it due to the House, and to individual Members, to contradict this rumour, and to assure the House that if he had heard it said that any one Member of the House had received a single shilling of that sum, he would have repelled it as a calumny.

MR. CHARTERIS said, with all respect for the hon. Gentleman, notwithstanding the declaration which he had made, he still believed it would be more satisfactory to institute an inquiry. And he, therefore, now begged to give notice, that on Thursday next, he would move for a Committee to inquire into the circumstances of this case.

Subject dropped.

PARLIAMENTARY OATHS BILL.

The Order of the Day for the Second Reading of this Bill having been read,

Motion made and Question proposed, "That the Bill be now read a second time."

SIR R. H. INGLIS rose and said, he hardly thought it was quite consistent with the usual forms of that House to have the Order of the Day read for the second reading of a Bill introducing alterations into the constitution of England, without some statement of the alterations which it was calculated to effect. The measure, it was notorious, would never have been brought forward but for the purpose of the admission of a Jew into Parliament. The measure for relief of Jewish disabilities was first mooted soon after the election of a gentleman of the Hebrew faith for the city of London, as the colleague of the noble Lord at the head of the Government. It was rejected in the House of Lords. Immediately the noble Lord had reintroduced the measure under another name, "The Parliamentary Oaths Bill"—a course which, if not irregular, was hardly courteous to either House, and calculated to place the one in collision with the other. The measure, however, advanced no further than its mere announcement. Practically, the present measure was another "Jew Bill," altering, as it did, oaths hitherto thought essential, and which excluded Jews from that House. The alteration was suggested, too, without a single argument in its favour. He admitted the necessity of oaths being as short as possible; but if one oath were substituted for another, that which was substituted ought to contain all the essential points of the other. Such, however, was not the case with the present Bill. It proposed to alter that oath of supremacy which had been in use during the last three centuries. As Members of a Protestant State, the Legislature of England had always considered it necessary and safe to insist upon its Members taking an oath abjuring that any foreign Prince or Potentate had a right to have any power in England. Although it was well known that the Pope did exercise a power over the minds of thousands of the people in this country, and of millions in Ireland, still he could exercise no jurisdiction, either civil or ecclesiastical, in a manner known to the law; his orders could not be enforced in a legal manner; and he, for one, was not disposed to deprive his Sovereign of such protection as that afforded; it was a renunciation of power on the part of the Queen, without any equivalent, and for which there was no reason. It was proposed to omit the words—

> "I will do my utmost endeavour to disclose and make known to Her Majesty and Her successors all treasons and conspiracies which may come to my knowledge;"—

and there was no mention made in the oath proposed to be substituted by the Bill, to the Protestant character of the Sovereign. It was by their being Protestant that the Crown was limited to Her Majesty's illustrious family; it was as Protestants they were entitled to claim the Crown; it was as Protestants only they were entitled to the allegiance of the united kingdom. Yet the words "being Protestant" were omitted from the oath in this Bill. In introducing this Bill, his noble Friend had hoisted a neutral flag, in order to cover enemies' goods. The oath certainly referred to the Act of Succession; but it slurred over the essential distinction that the succession must necessarily be Protestant, and of the united Church of England and Ireland. His noble Friend at the head of the Government would permit him to say that this Bill, in so many words, took away from the Legislature of England its necessary and essentially Christian character. He had been told that the words, "upon the true faith of a Christian," had only been introduced within twenty years. He would admit that, so far as their present connexion; but the words themselves were introduced in the 3rd of James I.; and if they were not specially introduced into the same class of oaths before, the oaths themselves were never taken, except upon the Gospel, the cross, or a relic, from the earliest times. Certainly no one had ever been permitted to take any part in the legislation of this country who did not solemnly, in some form or other, take upon him a Christian obligation; and from the first existence of England as a Christian nation, we had always required the legislative power to be in Christian hands. Last year his noble Friend referred to Hume and Gibbon being in Parliament, and asked why Jews should be excluded if they were admitted? Hume and Gibbon never felt themselves at liberty to do anything against Christianity, or against the Church of England; but what was the case with Jews? He meant to say nothing which could justly give pain; but whenever they were admitted into that House, they would form a nucleus for their own opinions, and there were many instances of a small compact body having a great effect upon the public deliberations. He was therefore unwilling to add a new source of danger or difficulty to those which unhappily existed already, to the public institutions of this country—institutions which he regarded as most sacred. He contended that the Jews had never been invited to this country. They had come here for their own personal aggrandisement, to "seek wealth and to find it;" and they had no right to expect the First Minister of the Crown, on their account, to move that the words "upon the true faith of a Christian," which ought to be our great distinction, should be expunged from our Parliamentary oaths. He trusted the day would never come when the House of Commons would consent to omit those words of security to our institutions. For the sake of a few, this Bill offended the scruples of many; for a small class, it offended the hearts and consciences of a vast majority of the people. If this were a question of justice, he would concede it at once; but believing it to be a question of that nature which could not be conceded without destroying the exclusively Christian character of the Legislature, he most earnestly urged the House to concur with him in resisting the further progress of the measure. The hon. Baronet concluded by moving the Amendment of which he had given notice.

Major BERESFORD seconded the Amendment. He considered the measure to be founded upon a principle which involved the national respect and deference to the Christian religion that was bound up with our institutions. It struck fatally and at once at principles upon which this Christian nation had ever acted, and from which we had derived the greatest national benefits. One great argument for the Bill was, that because the city of London had chosen a wealthy Jew for one of their representatives, the House of Commons was bound to alter the existing law in order to allow that Gentleman to participate in its deliberations. The concession of this point involved so many anomalies, that he did not think it would be insisted upon. Once grant it, and the right of legislation would be practically given to one city, which would override the wishes and opinions of the rest of the country. If the question were to be decided by the constituencies, he had no doubt there would be a majority of four to one against the proposition, and he would willingly abide by the result. The opinion of the city of London had been made too much of in this matter, for the Gentleman in question had been returned by but a small majority. The introduction of this Bill had been justified by a reference to the Roman Catholic Emancipation Act and the Reform Act. There was no analogy between those cases and the present. They were brought forward with the avowed purpose of guaranteeing rights to a large portion of our fellow-subjects of the same faith, and moreover there was considerable danger threatening with regard to them; but could anybody say there were national objects in the present measure to make those precedents applicable? It might be a matter of personal ambition to represent the city of London; but would the rejection of this Bill bring any national danger, or any threatening calamity, applying as it did to men who belonged to a separate people, sojourners in the land—men who belonged as much to Germany as to England, and who firmly believed they belonged more to the land of Canaan than to either one or the other? For one, he would not consent to be a participator in what he believed to be a moral and political wrong; and he regretted that those whose first object should have been to foster the faith of the people had been the first to give offence to it.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. F. PEEL would not have risen to address the House on that occasion were it not that he could confidently rely upon that indulgence which the House was ever disposed to extend to those who ventured to express their sentiments for the first time. [*Cheers.*] He stood the more in need of that indulgence, because he laboured under the disadvantage of following an hon. Baronet (Sir R. Inglis) in debate, whose station in that House, and whose high personal character, entitled him to the utmost respect; and because he had the misfortune to have arrived at a conclusion directly opposite to that which the hon. Baronet had drawn, from the facts and arguments which he had brought forward for their consideration. Having, then, come to the decision of giving his vote for the second reading of the Bill before the House—a Bill by which it was designed to remove the incapacities that attached to the Jewish subjects of the realm, and to no other class of their fellow-subjects—he was desirous to claim the forbearance of the House while he stated some of the grounds on which he had arrived at that conclusion. He thought it could not be denied that a strong presumption was made out in favour of the Jews upon the broad and fundamental proposition that the privileges and capacities of the constitution ought of right to belong to every natural-born subject of the realm; they belonged to them, not because they were communicants of this or that religion, but because they were Englishmen, bearing the burdens and fulfilling the obligations that devolved upon them as English subjects. Parliament had itself so far recognised the constitutional rights of the Jews by conferring upon them gradually and by parts eligibility to almost all offices, whether civil, military, or judicial. As a magistrate, the Jew might administer the law judicially, and as a sheriff ministerially. Almost every office of trust and authority was open to him in every branch of civil and military administration. He had the right of voting, provided he possessed the requisite qualification; he was admissible to municipal privileges. There remained, however, this disqualification, that though a body of constituents elected him as their representative, and though the returning officer was bound to return him as a Member of Parliament, yet he could not take his seat and vote upon any question in the House of Commons. While this was wanting to him, therefore, his political *status* was incomplete. He confessed himself unable to discover, on political grounds, why the disqualification to sit and vote in Parliament should be persisted in, while the power to hold office, and the privilege of the electoral franchise, were freely awarded to him. True it was that hon. Gentlemen on former occasions had attempted to draw distinction between civil office and public franchise, from the degree of political power that attached to them respectively. They were told that civil employment involved merely on the part of persons holding it an instrumental administration of the law in being at the time; but that to a seat in Parliament the irresponsible power of passing new laws was incident. He would not take upon himself to pronounce whether such a distinction was well or ill founded; but he would humbly remind the House that the Test Act passed in the reign of Charles II. was based upon a different principle. Under this Act, and Acts supplementary to it, the Dissenter was barred from civil employment, while his right to sit and vote in that House was never called in question. Again, it was argued that the propriety of maintaining the disability might be supported on the same ground of public policy upon which rested other disabilities known to the law, and arising from age, sex, property, profession, and natural allegiance. He confessed, that to his mind, these cases appeared in nowise analogous to that of the Jews, because they were either temporary in point of duration, or universal in respect of their application, and in no case conferred any stigma or civil degradation, or implied a want of civil worth in the persons who fell within the several categories to which he had referred. So much for the fact of Jewish exclusion, and for the principle of political equality by which it was condemned. He would wish now to call the attention of the House to the manner in which the law operates to effect the exclusion of the Jew. Upon the discovery of the gunpowder plot, an Act was framed affecting the Roman Catholics exclusively, and empowering any magistrate to administer an oath to suspected parties, testing their religious persuasion. This oath was an oath of allegiance or abjuration, and ended with the words, then introduced for the first time, "on the true faith of a Christian." A few years later — he believed in the seventh year of the reign of James I.— it was provided that that oath should be taken by Members of the House of Commons previous to their entering that House. Nothing further was, he believed, done in this respect till the 30th year of the reign of Charles II., when a more stringent measure of the same tendency as the former was enacted. By this Act Members of both Houses of Parliament were required, in addition to the oath of allegiance, to take the oath of supremacy, and also to subscribe a declaration against transubstantiation. On the accession of William III. these oaths were repealed, and in lieu of them a new oath of supremacy was framed, and also a new oath of allegiance, which they all knew did not contain the words "on the true faith of a Christian," and, therefore, at that period the Jew was not disabled from taking a seat in Parliament, as far as any legislative impediments went. But towards the close of the reign of William III., Louis XIV. having recognised the Pretender, and the greater part of the Pretender's adherents in these countries being Roman Catholics, an Act was passed imposing on the Members of both Houses the obligation of qualifying themselves by taking an additional oath, declaring that King William had a lawful title to the throne of these realms, and that no other person whatever had any such right or title. But though the substance of this new oath of abjuration thus differed from that of the original one, it was directed against the same class of religionists as the former; it was framed on the same model, and concluded, like its original, with the words "on the true faith of a Christian." These were the three oaths, then—namely, of supremacy, allegiance, and abjuration (the declaration against transubstantiation being repealed in 1829) — that had been taken since the thirteenth year of William III.; and the concluding words of one of these oaths, that of abjuration, created an obstacle across the threshold of the House which no conscientious Jew could surmount. He had endeavoured to show, however, that this oath was not designed to exclude the Jew, but that it was intended for another class. It was never intended to insure a nominal profession of Christianity on the part of every Member of Parliament on his admission to either House; but the object was to exclude from Parliament one of the greatest divisions of professing Christians in the country. If he thought, therefore, that on political grounds the exclusion of the Jew was indefensible, how much more indefensible did it appear when he thought of the indirectness of the mode by which that exclusion had taken place? But that was not all. Some hon. Gentlemen might think that the substance of the oath of abjuration was in a political point of view of so much importance that it would not be safe to admit any man to Parliament whose conscience was not first bound with reference to it. If this were so, the Jew was quite willing to take the oath, if a different sanction were introduced. That he could bind his conscience as effectually as any Christian was not to be doubted. In no case was Christianity essential to an oath. It did not enter into the nature of an oath. The words "on the true faith of a Christian" were merely ceremonial—as purely ceremonial as the act of kissing the book. Their introduction into the form of the oath was, in all probability, as accidental as their effect had turned out to be; or, at the most, they were introduced to give greater significancy and solemnity to the taking of the oath, and to enforce more stringently the obligation of its observance upon the mind and conscience of a Christian. In support of this view of the nature of an oath, he might cite the example of the Legislature itself, for it had given to the oath, when taken by the Roman Catholic, a different form, in which these words were omitted, as having no necessary connexion with the oath of abjuration. Thus, if these words were omitted, the oath would be still as binding on the Jew as it was now binding on the Christian. Such an alteration as this would not, however, satisfy the opponents of this measure, because they admitted, and because it was admitted on all sides, that the oath of abjuration was an antiquated formula no longer necessary; and, in fact, so little faith was now placed in its utility, that the Roman Catholics, for whom it was originally expressly framed, were at present exempted from taking it. They maintained the oath, not for any value they set on the oath itself, for it was a dead letter, but for the sake of the excluding effect attached to certain words which formed part of the ceremony of the oath. He confessed, then, he could not see on what grounds they could justify the exclusion of the Jew, who professed his readiness to take the oath of allegiance, and of supremacy—aye, and to take the oath of abjuration also, if it was permitted to him to take it under a different sanction. And he would ask, for every rational assurance of security to the established institutions of the country, what more ought to be required of any man as a qualification for the enjoyment of civil rights, than a solemn declaration of his readiness to stand by the existing order of things in Church and State? These conditions the Jew was willing to perform; but he protested against being made the victim of a fortuitous and accidental circumstance, and that through the medium of words that did not enter into the nature of an oath, but which were accidentally introduced into the external form which had been given to the oath. But it was upon the religious bearing of the question that the arguments of their opponents were found chiefly to rest, and he would now proceed to consider some of them. And here he would contend for a principle that was to be collected from our existing institutions, and which he thought ought to be as unrestricted in its application as it was unqualified in its terms; the principle was that of perfect religious equality before the law—the principle that a difference of religious persuasion ought not to constitute a ground for civil disqualification. That it should do so could only find support upon the supposition of the closest alliance between the Church and the State, or rather, perhaps, he should say, upon those two expressions "Church" and "State" being convertible or identical terms, denoting the same community according to the temporal or spiritual nature of its concerns. It was on some theory of this kind that the State was once made subservient to the Church, and that the religion of the State was forced upon the people through the medium of incapacities and disabilities, which were at variance with the rights of the people under their civil or secular constitution. But dissent had grown up all the faster and stronger, and that theory was not now at least wrought in the practice of the State. Upon full consideration they had surrendered the principle that the communion of the Church of England ought to constitute the basis of their political organisation. They did so in a formal manner when they passed the Sacramental Test Repeal Act in 1828, and when they passed the Roman Catholic

Emancipation Act in 1829. In such a case as this he could only reason on the data of the constitution, as he found them; and in giving his support to this measure he was guiding his conduct by the conciliatory precedents of recent times. He was acting in the spirit of that constitution, and carrying out its distinguishing principle—a principle replete with good sense, with constitutional law, and with the mild spirit of Christian charity, namely, that all our privileges were to be enjoyed without reference to religious belief. That was the principle which he now advocated, and on which he would support the measure before the House. But the principal strength of the argument on the religious bearing of the question, lay in dwelling upon the practical results that it was alleged would follow from the admission of the Jews to Parliament. And, first, the opponents of the measure represented it as another step taken towards overturning the Established Church. It had always been predicted, that every concession made to the Jews and other classes, would be attended with such consequences. Slow and progressive experience had taught them, however, that the evils anticipated had not come to pass. And he might reasonably assume that the apprehensions which were now entertained, relative to the consequences of this measure, would eventually prove to be equally imaginary and unreal. He would take, for example, the strength of this new element in the personal constitution of Parliament that was to work so much mischief. It was calculated that at the utmost not more than a limited number of Jews would be admitted to Parliament; and never, from that quarter, could anything threatening to our ecclesiastical establishment arise. The constituencies that returned them—a great majority of whom must ever remain Christians—would alone prevent it. Another argument of a religious expediency was, that the new influence which this Bill would introduce into the composition of Parliament, would unfit it for the discharge of that branch of its functions which concerned the interests of the Church. It could not be denied, he thought, that there was some incongruity in Parliament, constituted as it now is, dealing with the affairs of the Church. It should be borne in mind, however, at the same time, that Parliament dealt only with the temporal interests of the Church, and the relations of the ministers and members of the Church to themselves and the rest of the community in civil society. But the short answer to this objection appeared to him to be, that the incongruity already existed, and had existed ever since Parliament ceased to be composed entirely of members who were conformists to the Established Church. He would pass from this argument of religious expediency to one which was represented as involving a great principle. He referred to the value set upon the nominal profession of Christianity on the part of every Member of the Legislature. That outward profession was represented as part of the law and practice of Parliament and the constitution. But when was it that the oath of abjuration had been a guarantee for the Christianity of the Legislature? For a certain period Anglican Protestantism alone found admission to that House. Parliament was then Protestant in a different and limited sense of the term; all its Members were conformists to the National Church. When Dissent found a voice there, Parliament became Protestant without any qualification of the term. Upon the relief given to the Roman Catholics, Parliament became Christian in a comprehensive sense—in the sense that all denominations of Christians were eligible to a seat in it; and it was his firm conviction, that though they parted with the title to be exclusively Christian in profession, Parliament would still continue Christian in this sense, that the great and overwhelming majority of its Members would be Christian, and that their laws would still continue to breathe the spirit of Christian morality. But he should better understand the importance that Gentlemen attached to the retention of this oath, and their objection to its being repealed, if it could be shown that it operated as an impassable barrier against some sects whose characteristic dogmas were at variance with what they believed to be the essential and distinctive truths of Christianity. But such was not the case, because they had already admitted, for instance, persons professing Unitarian principles. He would ask, then, what value this nominal profession of Christianity could be, if it did not unite them also in the profession of what they held to be the true fundamentals of Christianity? But it might be said, that whatever may be the laxity of construction allowed in reference to the term "Christian," they had, at all events, the security of every Member before taking his seat in that House professing himself a Christian. But even that was not the case. He found that Roman Catholics, Quakers, and Moravians, were admitted without taking any oath or signing any declaration on the true faith of a Christian. Nor was it a sufficient answer to say that these were classes of religionists whom all admitted to be within the pale of Christianity, because that did not affect the argument as to their having a security in all cases that the Member, before taking his seat, should declare himself a Christian. It would be unbecoming in him, considering the forbearance with which the House had listened to him, to trespass at greater length upon their time. He would only say, that being unable to see any force or conclusiveness in the arguments that had been urged against the progress of the measure, he should follow in that direction which constitutional principle and precedent, precepts of Christianity, and considerations of public policy, invited him to take, and he should give his hearty and willing vote in support of the second reading of the Bill. Perhaps, however, he might be allowed to say one or two words with reference to the warning which the hon. Baronet (Sir R. Inglis), with great force of language, and with all the weight which attached to whatever fell from him, had addressed to Gentlemen who, like himself, supported the measure before the House, to beware how they shocked the religious sentiments of the people, and induced them to believe that, as political men, they were apt to overlook practical Christianity. He admitted freely that the religious sentiments of the people were entitled to the fullest consideration, and he should deeply regret an impression, even though an erroneous one, that they, as legislators, disregarded in the treatment of political questions the influence and the injunctions of Christianity. But they were bound, at the same time, to give due weight to the dictates of their own consciences; and if they honestly believed that special and exceptional exclusion from benefits that ought to be common to all, could not be justified on any grounds of public policy or public necessity; if, wanting that justification, it was irreconcileable with the principle of the existing constitution; if, above all, they believed that a mild and conciliatory course was more in harmony with the genius of Christianity than a harsh and exclusive one, then, however painful it might be to incur misconstruction, and the displeasure of those they respected, they must persist in the discharge of what they considered a great public duty. [*Cheers.*]

Mr. TURNER said, he felt that he laboured under a great disadvantage in having to address the House after the very able and eloquent speech of the hon. Gentleman who had just sat down—a disadvantage which he felt more strongly, as he had the misfortune to differ from that hon. Gentleman in the arguments he had advanced on the present occasion. He (Mr. Turner) had given this question the most calm and dispassionate consideration. He had weighed it over and over again without any feeling of prejudice towards the Jews, and he must confess that he was quite unable to arrive at the conclusion at which the hon. Gentleman had arrived. As far as possible he should endeavour to avoid repeating the arguments which had already been laid before the House against the measure under discussion, though he by no means wished it to be understood that he dissented from those arguments; on the contrary, with the great majority of them he entirely concurred. The question had hitherto been considered simply as a question of the exclusion of the Jews; but they ought not to forget that the admission of one Member implied the exclusion of another—that the admission of a Jew was equivalent to the exclusion of a Christian. The question, therefore, was not one of exclusion, but of preference; and the true question was, whether they ought to vest in the constituencies of the country the power of excluding Christians, for the purpose of admitting Jews? The claims of the Jews had been urged on the ground of their contributions to the State. He would call upon those who advanced their claims upon that ground to account for the exclusion of aliens by birth. Aliens by birth contributed to the wants of the State. Alien merchants were capable of giving the best information on the trade of the country with the States to which they belonged; and yet they were excluded from Parliament — and why? Because questions might arise in which their feelings and their interests would be adverse to the interests of the country. The same principle applied to the Jews, who were aliens in religion. What was the first duty which Members of this House had to perform? Was it not to provide for the religious instruction of the people, and to extend and promote Christianity amongst them? Could the Jew participate in such a measure?

Could he take any part in extending a religion which he believed to be a fable, and worse than a fable — to be founded on imposture and fraud? In proportion as the spiritual interests of the people were of infinitely greater importance than their temporal interests, in the same degree would a measure to admit aliens in religion to Parliament be an infinitely more prejudicial measure than to admit aliens by birth? He would try the measure by another test, and see how the admission of the Jews to Parliament would affect the people of this country. Suppose the case of a contested election, where a Jew was one of the candidates. He would not speak of the manner in which the two candidates might talk of each other, but he would ask what would be the language which the supporters of the candidate in opposition to the Jew would employ. Hon. Members must remember that they were not dealing with the language—the natural and proper language which was used with respect to Jews in this House, but they were dealing with the language and feeling of the common people of England; and he had no hesitation in expressing his conviction that if a Jew were a candidate in a contested election, the religion of the Jews would be the common taunt of the supporters of his opponent. He might be told that that would only affect the Jews themselves, but he had to consider what would be the consequences of these taunts. Would they not be met by counter taunts, impeaching the knowledge of Christianity on the part of those who reviled the Jews? And would not the truths of Christianity thus become the subject of discussion and dissension in places where such subjects ought never to be entered upon. What greater mischief could ensue? Whether, therefore, he looked to the direct or indirect consequences of this measure, he thought they would be equally prejudicial. There was another view of the question. However the feelings of parties might have varied in this country, it was still a fact that a Jew never did possess a seat in Parliament; and he was warranted, therefore, in saying that Christianity had hitherto been considered as a part of the qualification for a Member of this House. He would ask whether they would venture to disregard the religious qualification for Membership, and yet attempt to preserve the pecuniary one. Another view of the question, which deserved consideration was, how far the admission of Jews to the House would affect the freedom of debate. He did not mean to say one word disrespectful to the members of that body, and still less to the Gentleman who had received the suffrages of the city of London; but the House must recollect that they were legislating for all future time, and that, if the Jews were admitted, there might hereafter be individuals who would speak in this House of Christianity and of Christians in terms of abuse. It was an offence against the law to publish any speech reviling Christianity. Was the House to be placed in such a position that newspapers would be obliged to report, on the subject of their debates, that the language used was such that they dared not put it forth. The hon. Gentleman who last spoke had referred to the Roman Catholic Relief Bill, as analogous to the present measure; but with all respect to the hon. Gentleman, he thought that argument involved a fallacy. The Roman Catholic Relief Bill only restored a privilege which had existed antecedent to the penal laws—which had been taken away for the temporary purpose of maintaining the Protestant faith—and which was necessarily restored when the Protestant faith was once firmly established. But they were not now called upon to restore a privilege which had ever existed, but rather to create a right which had never before been in being. He would only, in conclusion, call attention to the words of the provision by which it was proposed to admit the Jews to Parliament. It was proposed to omit from the oath which the Jew was to take the words "on the true faith of a Christian." He might misunderstand the effect of that omission, but it appeared to him that if they omitted these words, and retained the clause, "So help me God," the God who was appealed to was not the God of the Christians, but the God of the Jew. And on what principle could they stop there; how could they refuse to extend the same privilege to other subjects of the empire who believed in other gods? On these grounds—and believing the measure to be prejudicial to the best interests of Christianity—he should not hesitate to vote against it.

MR. H. WILLYAMS would be sorry to have such a weak opinion of the Christian religion as to suppose for a single moment that the introduction of the Jews into Parliament would weaken or affect it. It appeared to him that the fears for Christianity expressed by the opponents of this measure from the introduction of Jews into the House was altogether groundless. It was clear that the Jews were not a proselytising race, and in confirmation of this he might mention the well-known historical anecdote, that when Lord George Gordon, the leader of the famous "No Popery" riots, wished afterwards to become a Jew, the Jews would not admit him among them. Besides, it was well known that there was a firm belief among the Jews, that it was by Christians they were to be restored at last to their own land. All classes in the country except Jews were now admissible to Parliament; and he hoped, by the second reading of the Bill to-night, the Jews also would be admitted.

Mr. TRELAWNY remarked, that the term "alien" had been applied to the Jews by the hon. and learned Member for Coventry, and it was contended that because they were aliens they were not entitled to the same rights and privileges as other classes of our fellow-subjects. He denied that a Jew living in England was an alien. An alien, although residing in England, owed allegiance to a foreign Sovereign: an English Jew owed and rendered allegiance to our Queen. The foolish assertion that Jews were incapacitated by the nature of their religion from discharging the duties and obligations of legislators and governors was completely exploded in France, where, after a complete investigation of the whole matter, it was declared that there was nothing in the religion of a Jew which incapacitated or disqualified him from discharging all the duties of citizenship. Again, it was said that this was a Christian Legislature, and that we ought not to destroy its characteristic. But was it a Christian Legislature? Were they all Christians? Were Unitarians Christians? What did they mean by the term Christians? Did it not imply a belief in the doctrine of the Trinity, which Unitarians disbelieved? As far as the strict meaning of the word Christian was concerned, it was plain they might as well exclude Unitarians as Jews. Well, but it was said, once admit the Jews, and you cannot refuse admission to the members of any persuasion. His opinion was that they ought not, and, as far as he was concerned, he would not exclude Mahometans or Hindoos. If a Mahometan or a Hindoo were to obtain the confidence of a British constituency, he certainly would not exclude him on account of his religion. There was no political reason why Jews should not be admitted. They were orderly, obedient to the laws, and always ready to give their aid in supporting authority. On the 10th of April last year, did not the Jew show just as much desire to preserve the peace as the Christian? [*Cheers.*] He confessed he could not see the force of that cheer. It was also objected that Jews were devoted to the acquisition of gain. He thought that an advantage, and, looking at the matter in a political view, he could see nothing more desirable than encouraging habits of thrift and prudence, and inducing men of capital to reside in this country, for abundant capital caused a low rate of interest and the increased employment of the labouring population. By excluding the Jews from the enjoyment of the highly and valued privilege which they now sought, they would make 40,000 of their fellow-subjects discontented and unhappy. He thought hon. Gentlemen opposite ought not to call upon them to throw out the Bill, unless they could show that it would weaken the securities or diminish the resources of the empire; but as, in his opinion, it would have the effect of attaching a class of our fellow-subjects still more strongly to our institutions, and binding them by the ties of gratitude, he would support the second reading of the Bill.

Mr. A. B. HOPE wished to explain the vote which he was about to give on this Bill. If the subject-matter of this Bill related only, as its title implied, to the revision of the oath of supremacy, he should have had no hesitation in supporting it. But it appeared that the revision of the oath was only a mask to cover the admission of the Jews into Parliament—a subject which was brought openly before them last year—which was then rejected—and which had now come before them again in the shape of an Oaths Alteration Bill; which, when it came to be debated, turned out to be the mere Jews Bill of last Session; for, except by the hon. Baronet who moved the Amendment, the subject of oaths had not been referred to by any hon. Member who took part in the debate. He would not oppose the alteration of the oaths; but, both as protesting against the emancipation of the Jews, to which he was strongly opposed, and against a course of legislation which was unworthy of the Government of a great country, he should oppose the second reading of the Bill.

MR. ROBARTES supported the second reading. He did not think that the existence of Christianity in this country depended upon the exclusion of the Jews. On the contrary, he thought that their emancipation would conduce to its more perfect establishment. Believing that it was wrong to deprive any class of Her Majesty's subjects of their civil rights, he should support the measure.

MR. NEWDEGATE said, that no one could accuse the hon. Member for Tavistock of religious bigotry, since he would admit not only Jews, but Hindoos and Mahometans to Parliament. The hon. Member might be a bigot to his opinions on political economy, but not on religion certainly: he seemed to agree with Voltaire, who urged, that because Jews and Christians made money together on the Exchange, therefore that there ought to be no restriction upon the admission of Jews into the Legislature. But was there no difference between the House of Commons and the Exchange? If the House of Commons and the Exchange were the same, there certainly would be no justice in the exclusion of the Jews from Parliament; but he had been brought up in a different school of belief. He had been taught to consider the House of Commons as the representatives of a great Christian country, assisting a Christian Sovereign in the discharge of her Christian duties; and he could not therefore look to this as the denial of a right of the Jews to sit in a Christian Parliament. The right to a seat in the Legislature was spoken of as a privilege; but he (Mr. Newdegate) considered a seat in that House not as a right or a privilege, but simply as a trust vested in the person elected by the public for the public good. He was of opinion, that no constituency, however large, had a right to force their views upon the other constituencies of the empire, by changing the nature of the assembly common to the representatives of all constituencies according to their fancy, in the election of their own representative. In reference to the speech of the hon. Member for Leominster (Mr. F. Peel) — a speech which gave promise of high talent — if the arguments of that hon. Gentleman were pursued to their legitimate conclusion, they would lead to far other results than he had predicated. The hon. Gentleman had cited the period when the words "on the true faith of a Christian" were added to the oath taken by Members of Parliament, the period of the gunpowder plot, and the accession of William III.—as periods of unusual distrust. But did not that prove, that when the nation was considered to be in danger, it was felt that these words were the best test that could be framed for the religious and Christian conduct and good faith of the representatives of the people? It was said, that the State and the community were one; and that as the Jews formed a portion of the community, they were also entitled to form a portion of the State. But he (Mr. Newdegate) hoped this country still claimed to be a Christian community: 30,000 or 40,000 Jews, among 30,000,000 of Christians did not make it otherwise, or deprive it of its title to Christianity; and he (Mr. Newdegate) maintained, that it was true according to the actual condition of this country, that the community which formed the State in its political aspect, formed likewise the Church when viewed in its religious aspect, for the vast majority of the community were Christians, and the majority had a right to stamp the community with its religious as well as with its political character. Therefore, those who supported the measure should be prepared to deny the right of this country to be considered as a Christian community. The hon. Member said, the words in question were used as a sanction only, and to impress the sense of a deep responsibility in respect of religious duties upon Members of Parliament; but was it desired to remove that sense, or was it wished to revive the old law which had been annulled by the Christian dispensation; was it believed that the country would be happier if it were governed by the Jewish ritual than by the law of Christianity? If men believed that God judged men according to their acts hereafter, then there was clearer evidence to prove his visiting upon a nation the consequences of their misdeeds. That was the case with the Jews; and he who scoffed at this doctrine scoffed at the whole history of Scripture. A clause declaratory of the Queen's ecclesiastical supremacy, was introduced into the Diplomatic Relations with Rome Bill last year by the Duke of Wellington, and was supported by the Government. This clause passed the House of Lords without a dissentient voice, and was in the House of Commons supported by a majority of 77, against a minority of only 4, who voted against the declaration of Her Majesty's supremacy. Now, what had occurred since that event to induce the noble Lord to think that it was wise and necessary to remove the oath by which we bound ourselves to observe the declaration of the supremacy of Her Majesty? Last year it was notorious that the bull of the Pope *In Cœna Domini*, which absolved Roman Catholics from their allegiance to a Protestant Sovereign, and which excluded all from salvation who were not Roman Catholics, was read in this country. The noble Lord at the head of the Government knew that doubts existed in some quarters, whether the ecclesiastical supremacy which the Pope claimed in this country was not in force, and whether persons were not stating more than they ought to state when they asserted that the Pope had no jurisdiction here. Did the noble Lord wish to restore the Pope's jurisdiction? If he did not, it was a marvellous inconsistency to find a Minister in one Session voting for the passing of a law declaratory of the Queen's supremacy, and in another removing those oaths by which that supremacy was maintained. If Her Majesty's supremacy was to be maintained, why not continue to take the oath—if there was any virtue in an oath of allegiance or supremacy? It was only fair, before the House proceeded to remove those securities which guarded the supremacy of the Crown, that the great opponent of that supremacy should withdraw those edicts by which he claims the right to dictate to all other ecclesiastical powers. But, on the contrary, the Pope had authoritatively declared his adherence to those claims, for his allocution pronounced in the Consistory of December 17, 1847, expressly declared that he reserved and claimed for the See of Rome all that his predecessors claimed, and that he abandoned no whit of those pretensions. He would call attention to the exact words used by the Pope, because it had been professed and urged by Roman Catholics, and particularly by the Earl of Arundel and Surrey, that the non-publication of the bull *In Cœna Domini* rendered it invalid, and a mere *brutum fulmen*. This might be the belief of that noble Lord, but not that of other Roman Catholics. His Holiness the Pope, however, had set the matter at rest by declaring that neither the non-publication of the bull, nor the prevalence of any contrary custom, could in any way annul its effect. The Pope says—

> "Meanwhile, venerable brethren, we wish to communicate to you the extreme surprise with which we were affected at receiving a document, written and published by a certain individual invested with the ecclesiastical dignity; for this personage, treating in this document of certain doctrines, which he calls the traditions of the churches of his country, and which tend to restrict the rights of this Apostolic See, has not blushed to affirm that these traditions are held in estimation by us. Far be it from us, indeed, venerable brethren, the suspicion that we ever had the intention, or the least idea, to fall away from the institutions of our ancestors, or neglect to preserve and defend in all its integrity the authority of this holy see."

Reiffenstuel, one of the highest authorities on the Roman Catholic law, had declared that the rights of the Roman See were properly enunciated in the bull *In Cœna Domini*, and that this bull was the chief pillar of the Roman See. This was what Reiffenstuel said—

> "In the first place, because a custom against the liberty and immunity of the Church, even though it be an immemorial custom, is at all times invalid and inadmissible, as we have proved at large from one and the other (canon and civil) law, lib. 1, tit. iv., *De Consuetud.*, No. 61. But a custom against the bull *Cœnæ* would be exceedingly adverse to the liberty and immunity of the Church, forasmuch as it is for this object chiefly that the bull has been set forth, and as in fact it is the firmest and almost only pillar of it."

No doubt the Pope's claims to supremacy remained unaltered, whether the bull was read here or not; and, after such a declaration, he would ask whether this was the time to remove the safeguards we possessed? There was another reason for viewing this Bill with deep distrust, the omission of that part of the present oath which abjured the Pope's ecclesiastical supremacy, and denied his power to absolve subjects from their allegiance, and to depose sovereigns, from the oath proposed for Protestants by the noble Lord. This rendered the proposed oath unobjectionable to Roman Catholics, who, by not avowing their religion, might take it instead of the oath prescribed for them by the Relief Act of 1829, which bound them not to attack or attempt to weaken the Protestant religion or Protestant Government, as by law established in these realms; which would both thereby be deprived of their present security. He would come back to the great question: would they, for the sake of admitting a Jew into that House, unchristianise the Legislature? In whose favour were we to depart from the Christian law? In favour of those who denied the divinity of Him in whom all the hopes of Christians centered. The Jews were not ignorant of the circumstances connected with the Christian religion—they had not that excuse to be alleged in their behalf; and they were to be admitted who, with the fullest knowledge and with the amplest information, refused to acknowledge the truth of the Christian religion. On the same plea it would be utter injustice to deny admission to any infidel. It was true that Her Majesty's Government still proposed to exact a profession of Christianity from the Christian Members; but then in their character of legislators they proposed to put them on the same level with infidels.

An HON. MEMBER here moved that the House be counted.

The gallery was cleared, but there being more than forty Members present,

MR. NEWDEGATE resumed: He was not surprised, considering what was passing in another place, that many of his hon. Friends had been listening to what was then passing in the House of Lords, for it was currently believed that the fate of the Ministry hung in the balance of that discussion. This might account for the thinness of the House. But it was something singular to notice that Her Majesty's Ministers had selected the same night for attempting to reverse the decision of the House of Lords against the Jew Bill, on which they were attempting to drive the House of Lords from deciding according to the dictates of their cooler judgment in the discussion then proceeding in the Upper House. The meaning of the present discussion on the Jews' Disabilities Bill, in the minds of Her Majesty's Ministers, was doubtless this: "You (the House of Lords) last year refused to pass this measure. You protected the Christian character of the Legislature, and you were responded to by the feeling of the country, but no matter, we have a tyrant majority in this House, and if you deal with the matter in question —if you differ from us, we will test your strength and endurance—we will render the House of Lords the mere record-office of the will of the House of Commons." But to return to the question: if they admitted the Jews, who denied Christianity on principle, they could not refuse admittance to the infidel. If they admitted the infidel to the same privileges and power as Christian Members, then it was an insult to those Christian Members to exact from them a profession of their faith. There was another view of the question: the Jews were a separate people by race and by religion. The religion of the Jews taught them to consider themselves as a separate people; they considered themselves a standing memorial of the judgment of God. Rabbi Crool, Professor of Hebrew at Cambridge, one of the ablest of the Jewish professors, had expressed his astonishment at seeing how little the word of God was regarded in this House. The country was Christian; but if Baron Rothschild's claim was admitted, it was equal to a declaration that this country was no longer a Christian country. The admission of the Jews could only be granted on those terms, and therefore if the admission were resolved upon, he repeated, it was an insult to the Christian Members to retain the profession of Christianity on their part. He had already stated that the Jews were a separate people. The *Mishna* was written after the Jews were driven from Jerusalem, for the purpose of continuing the Jews as a separate people. It was found, as Rabbi Raphael had declared, that Christians observed many of the formulæ of the Jewish laws, and could not be distinguished from Jews. The *Mishna* was, therefore, written to make the separation clear and complete. But the Jew was not only an alien by race and custom, but he was still more an alien by religion. The hon. Member for Leominster felt the force of this, for he said he regretted we must give up our Christian character if we admitted Jews. If the Jews were admitted, the Christian character of the country would be invalidated: they would thereby render it impossible for this country, as a Christian State, to adopt measures for spreading Christianity among other nations. If he were asked whether the country or the State would not be safe when the Legislature abandoned its religious functions, he would say—look at France—the French had admitted Jews to their Assembly in 1831; the Church of France shrank from contact with the State, which had repudiated its Christianity; gradually abandoned the Gallican principles it had maintained, and bound itself closer to Rome. He (Mr. Newdegate) had mentioned this on the second reading of the Jew Bill in December of last year, as an instance of the danger of alienating the religion of a people from the State, which the admission of Jews into the Legislature of France had entailed; and, strange to say, before the Jew Bill was read a third time in that House last May, the monarchy of France was rolling in the dust. He said this, that if the State of England repudiated its religious character, it ceased to secure to itself the sincere allegiance of its subjects. The true allegiance of the subject was this, that he obeyed, because to obey was right. He believed that as long as the authority of the Crown rested upon religion, as long as the Administration were Christian, as long as the Legislature was Christian, the security of the State rested on the Rock of Ages. He would therefore resist to the uttermost every attempt to deprive the State of its religious character.

The EARL of ARUNDEL and SURREY imagined that the hon. Member for Warwickshire was speaking on the subject of diplomatic relations with Rome, rather than on the question of admitting Jews to a seat in the Legislature, for he had dwelt so much on matters connected with the Roman Catholic religion. Last year he (the Earl of Arundel and Surrey) had written a pamphlet to prove that the bull of the Pope *In Cœna Domini*, was obsolete. The hon. Member had said that it contained provisions for its continuance and annual publication, but he was of opinion that it was out of use. With regard to the allocution, many intricate questions were connected with the subject, and it could hardly be expected that he could without preparation deal with them, while it would be hardly safe to hazard an opinion on them. With regard to the present Bill, he had last year been strongly in favour of it, for he considered then, as he did now, that it was unjust to prevent any one being admitted into an assembly composed of so many mixed elements as that House presented. There was at least one consolation which he as a Catholic derived from the debates on the question. Before their admission to seats in the House they had been always called " idolaters," but now on every occasion they were regarded as forming a portion of the Christian community.

MR. SPOONER said, that his faith was, that national sins had ever met, and ever would meet, with national punishment; and though the noble Lord the Member for Arundel had said that Roman Catholics had been before their admission into that House described as idolaters, and had argued from thence that the opinions of Protestants were changed, he would state that his opinion was that the Roman Catholic had ever been an idolatrous Church—his opinion was that it still was an idolatrous Church—and his opinion had not altered in the slightest degree because Roman Catholics had been admitted into that House. He did not think the question had been argued on its proper bearings. The Jews were not excluded as citizens, but they were excluded from taking part in the counsels of that House, because the Sovereign and Parliament were bound to uphold the Christian religion. The question was, were they to be guided by Christian principles? If they admitted to their counsels a people not actuated by Christian principles, they gave up the Christian character of the great council of the nation, and must, if consistent, open their doors to persons of all creeds. If they opened their doors to the Jew, how could they stop the entrance of the professed infidel? He knew and regretted that there were many holding seats in that House who did not believe what he and others believed, and what their Sovereign was bound not only to believe but to maintain. That was their responsibility; but the House was only responsible that the representative assembly of a Christain country should profess to be guided by Christian principles. The hon. Member for Leominster had said that the Jews were not by the constitution excluded from Parliament; that the words " on the true faith of a Christian " were inserted in the oath for quite a different purpose than for the exclusion of Jews. If that hon. Member would refer to the speech delivered in that House by one whose authority the hon. Member would not impugn (the right hon. Baronet the Member for Tamworth, in the year 1830), he would find the exclusion of the Jews from Parliament argued upon strictly constitutional grounds. He (Mr. Spooner) wished the right hon. Baronet had been in his place, that the House might have had the advantage of hearing the right hon. Baronet state his present views upon that point. He would not dwell at any great length on the question as to the admission of the Jews, for it had often been before them, and he should only be repeating arguments which had been frequently used in former debates. He wished to call the attention of the noble Lord to one or two of the provisions of the new Bill. This did not, like the Bill of last year, expressly admit the Jews. By this Bill the Jews were to be admitted by accident — as it was said they had been excluded by accident. As to the oaths proposed to be taken by other Members, he strongly objected to the alteration of them. The oath at present contained a declaration that no foreign prince, prelate, or potentate had, or ought to have, any jurisdiction or power, ecclesiastical or spiritual, within these realms; and they were now called upon to leave that out. What would be the effect? Why, any man of common sense would say that they had altered their opinions, and that they no longer held that no foreign prince had any jurisdiction, power, or authority, ecclesiastical or spiritual, within this realm: by omitting the words, the principle was abandoned. The noble Lord at the head of the Government had said it was not his intention to alter the Roman Catholic oath; but hon. Members were not asked whether they were Protestants or Roman Catholics, and any hon. Member, unless he chose to profess himself a Roman Catholic, might take the oath now proposed to be administered to Protestants; and if any hon. Member did so, it would be very difficult to bring him within the penalties supposed to apply to such a case. The question had already been so fully discussed that he would not trespass further upon the attention of the House; but he felt, as a Christian Member of that House, that he dared not give his consent to the passing of this Bill. He knew he should be charged with bigotry for the course he had taken; but every man was responsible to God for his conduct, and he believed that if he did anything to lower the character of that House as a Christian assembly, he should be guilty of a heinous sin. It was a great national sin to encourage idolatry on the one hand, or degrade Christianity on the other; and when he recollected that the Jew dealt with the Saviour of mankind as an impostor, and regarded the New Testament as a fraud, he could not give a silent vote on that question, for he was convinced that the time would come when they would all be obliged to confess that He whom the Jew regarded as an impostor was "King of kings, and Lord of lords."

Mr. SERJEANT TALFOURD said, that there was something so inviting in the present state of the House, that he could not help saying a word or two on that question, in which he felt the deepest interest. There was something inviting in the present appearance of the House in another respect, because, giving full weight to the fears of hon. Gentlemen opposite, that that House and the country were about to be unchristianised, he could not help thinking that a great number of those who imagined that they were on the verge of that great calamity must have deceived themselves greatly as to the real state of their feelings, when fifteen or sixteen Members were all that felt it necessary to sanction by their presence these solemn warnings. He would address to the House, therefore, a few remarks upon the speeches of the two hon. Members for Warwickshire; and as to the fear just expressed by the hon. Member who had last spoken, lest Roman Catholics should come in the guise of Protestants, and take the Protestant oath, he thought that that was carrying one step further the absurdity which he had thought had been long ago abandoned. It was a fear so chimerical that it was hardly worth a reply. These oaths, however, were said to be the great barriers of Christianity in that House; but if so, the Christianity of that House must be of very modern date, for certainly they were not required to take oaths by the common law of the land: they dated only, at the earliest, from the time of the Reformation, and there was a much later period when the Christianity of that House had been suspended; for during the reign of William III., the words, "on the true faith of a Christian" were not used. But it had been said by the hon. Member for Warwickshire that the Jew, on purpose and with full knowledge, rejected the Saviour; but surely the Jew was merely presented to them in a relation, not less the subject of sorrow, but of far more respectful consideration, than he who, educated in Christianity, voluntarily abandoned that faith. The cradle of the Jew was surrounded by solemnities peculiar to his ancient race; wholly without the wish of proselyting he simply remained in the faith delivered to him from his fathers. The religion of the Jew was not antagonistic to that of the Christian; the Jew was only an imperfect Christian; his religion was only Christianity in its cradle; if at any time he should become a Christian, he had nothing to unlearn; he was only awakened to a sense which gave a noble significance to the symbols which belonged to him, and to that divine book of which he was the appointed guardian. The hon. Member for Warwickshire had described the Jew as an alien in religion, but he was not more an alien than the Samaritan was to the Jew; and yet our Lord was pleased to select a Samaritan as the one who should give to the Priest and the Levite an everlasting lesson of universal brotherhood, and had, by selecting that example, taught them that differences of religious opinion ought never to be an obstacle to the interchange of civil rights and brotherly affections. When it was said that it would be an insult to the Christian to require him to make a profession of his faith, which was not required of the Jew, he answered, that there was no pretence for saying that the oath was intended at all as a profession of faith. He denied that it was a test of faith; they went to the table to declare their allegiance to the Queen, and to swear that which the oath required; and to that declaration they added that which was the most solemn obligation known to them—that it was made on the true faith of a Christian; but that was a test of sincerity to be asked of a Christian, but not of a Jew. In the oaths themselves there was nothing which the Jew was not as ready to swear as the Christian; he was equally prepared to declare his allegiance to the Queen, for the Queen had no better subject; he was ready to abjure all foreign Powers, though perhaps he might think that unnecessary, as being involved in the former part of the oath; he was quite prepared to declare that he abhorred and detested as impious and heretical the damnable doctrine and position that princes excommunicated by the Pope might be dethroned or murdered by their subjects; although a smile might cross his face at being required to abjure a doctrine which no human being now held, and which no human being thought that any other human being held—nor would he object to the sort of galvanic existence given by the oath to that respected lady the Princess Sophia of Hanover. He was prepared to take that oath as it was, for the whole of it was involved in the simple oath of allegiance; but, of course, he could not be asked to attest his sincerity by an appeal to the true faith of a Christian. If they could restore the time when the Jew was an object of the most bitter cruelty and persecution—if they could bring back the days of Richard I., when the streets of York ran with the blood of Jews self-immolated to escape the horrors of a more dreaded persecution—if they could make the Jew again the wretched outcast that he had been—then indeed they might talk of the great change which was now proposed; but when all those persecutions and disabilities had been gradually removed—when the Jews could inherit land, and the land was not cursed—when the Jews were admitted into our corporations—and he did not know whether the hon. Member would say that our corporations had ceased to be Christian—when the Jews were permitted to choose Christian representatives—when that which remained of persecution was powerless, or only powerful in its rust and decay to eat into the souls of a peaceful and unoffending race—when they were now about to crown a long succession of peaceful victories over oppression—now at last it was said that they were giving up their Christianity; that they were Christians to-day; but if they passed that Bill, to-morrow they would be Christians no longer. But was there not danger lest, in the warmth of their zeal, hon. Members should be led into mistake as to that course which was really and truly Christian? For his part, he believed that to be really and truly Christian was to do that which they on his side of the House desired to do; but which hon. Gentlemen opposed—to remove the last remnant of intolerance from their Statute-book and their forms; for by so doing they would be merely complying with the dictates of One who forgave them, and, for the same reason—because, educated as they were, they really knew not what they did. By following that course, so far from calling down upon themselves the dispensations of Heaven, with which they had been threatened, they would be embodying its dearest precepts, and copying its holiest examples.

Viscount MAHON said, that the declaration made by the noble Lord at the head of the Government in introducing this measure, had been lost sight of by the noble Lord the Member for Arundel. The noble Lord the Prime Minister, when he moved for the introduction of a measure similar to the present, last year, had declared, with perfect frankness and candour, that the question now was not merely whether they should free from the religious test one sect small in number, and respectable in character, but whether hereafter they should have any religious test at all. That noble Lord, and another Member of the Government, now the Earl of Carlisle, had both acknowledged that if this Bill passed, it would no longer be possible to shut the door of the House against Mahometans, Hindoos, or professed unbelievers; the question, therefore, was much wider than it appeared at first sight, and the noble Lord the Member for Arundel was not justified in confining his argument to the Jews alone. But he (Lord Mahon) would pass from the observations of the Member for Arundel to those which the Member for Leominster had with so much ability brought forward that night in his first address. He (Lord Mahon) trusted that the great and well-merited success which had attended that first effort, would encourage his hon. Friend to take a frequent, and he was sure a conspicuous, part in their debates. But, now, as to the argument. The hon. Member for Leominster had given a narrative of the laws as affecting this question in the reign of James I. But when that hon. Member said that it was not intended to exclude the Jews, he surely did not mean to say that it was intended to admit them; the truth was, that the idea of excluding them was not entertained, only because the possibility of their being admitted was not at that time conceived. In early times, no doubt the constitutional idea was, that the Church and the State were coextensive, and that no man should hold office in the State who was not a member of the Church; but a long series of years had passed since that doctrine had been held by any individual. It had long since been departed from in practice with respect to the Protestant Dissenters. More recently it was abandoned with respect to the Roman Catholics. Now, since the admission of the Roman Catholics, our religious tests had been reduced to the simple declaration of the true faith of a Christian. In that declaration a great principle was involved, and to that principle he, for one, was determined to adhere. There was one argument in favour of the Bill which had been frequently urged, and had been put with great point by the hon. Member for Leominster. It was, that while an individual fulfilled all the obligations required of him by the State, it was unjust to shut him out from taking part in legislating for that State. Now, it seemed to him that those who used that argument took it for granted that the primary object of admitting any person to that House was the satisfaction and gratification of the person himself. He conceived, however, that we should look to higher grounds, and that the benefits to be conferred by the Legislature ought to be preferred to the gratification of the legislator. The real question was, how to render the representative body as good and as popular as possible, and the pleasure which individuals might feel from sitting in it was by no means to be held as of the same account. Though the point to which he had alluded had been urged with great eloquence by the hon. Member for Leominster, he thought that they had a higher duty to perform to the State, and that they had no right to violate a great principle, the maintenance of which was due to all, for the sake of removing any supposed grievance from a few. It was said that the number of Jews who could avail themselves of the privilege sought to be conferred upon them would be small—that they would be very few indeed in numbers; but it should be recollected that the question at issue was strictly one of principle, and he, for one, would take his stand against it. It was not a valid argument to say that the number of the violators of the principle would be but small, since by those who acknowledged and felt it as a principle, it should, at all hazards, be upheld. Now, he would ask hon. Gentlemen to consider what would be the effect of that Bill beyond the mere admission of the few persons it was said might obtain seats in that House? What, for instance, would be its effect in foreign climes, upon men who were labouring with all their heart and strength, and striving to extend the blessings of the Christian faith? Could it be doubted for one moment that one of its effects must be a heavy blow and great discouragement to the laborious and zealous efforts of our missionaries in foreign climes? How would it depress and grieve that noble army of missionaries which had succeeded the noble army of martyrs? What could be a greater grief and loss than to have it said amongst the unbelieving inhabitants of distant lands, that such were the opinions entertained in England respecting the doctrines of Christianity, that the British Parliament had solemnly declared that the test of the Christian faith might be dispensed with—altogether done away with, so far as admission into their Legislature was concerned? The construction which would inevitably be put upon such an enactment would be, that the British people themselves undervalued the doctrines they professed. It might be said that Parliament did not really mean what would thus be imputed to them—that they had no intention of undervaluing the Christian faith; but nothing would remove the impression, especially in foreign countries, that the adoption of the measure was a proof of the practical disregard of the Christian religion in this country. Even if benefit could be proved to accrue in particular instances, no such benefit could justify the violation of a general principle. Were there not also other instances in which individuals were excluded from sitting in that House for the sake of a general principle? He would take the case of a person in holy orders. Suppose, then, a man having entered holy orders, but having no cure of souls, were, on the death of an elder brother to come into possession of a large landed estate, from which he would derive great influence, and that his feelings were closely concurred in by his neighbours, that he resembled them in his principles and tastes, in his habits and pursuits—

> "He's Knight o' the Shire, and represents them all!"

It might be expected that they should be glad to see him thus "Knight o' the Shire" indeed. It might appear natural that they should wish to return him to the Legislature, and, there being no cure of souls or benefice to claim his attention elsewhere, there would apparently be no disadvantage in his entering that House. Yet the rules of that House would exclude him, because, as a general principle, it was not thought desirable that clergymen should sit in the House, and they could not make exceptions in favour of especial cases. How, then, could they reconcile that case with the general principle so strenuously urged by the Member for Leominster, that if a man performed his duty to the State, he had a right to a share in the legislation for the State? By this case he had shown, that if that was a general principle by which admission to the House was to be guided, still it had exceptions. Now, he would take another case—one that had been before the House that Session, and in which they appeared to think that the parties in question ought to be excluded from the House—he alluded to insolvent Members of Parliament. Now, a man might not have failed in the performance of any of his obligations to the State, though he might have failed in meeting his private obligations. Nay more, there were many instances, as that of Sheridan for example, when the presence amongst them of a Member in such a situation as to his private affairs, might yet be an ornament to the House, and an advantage to the country. Here, then, by the votes of the present Session, the House appeared desirous of declaring that parties might be excluded from the House, although their presence would be honourable and advantageous, and although they had fulfilled all their duties to the State. It was plain, therefore, from these exceptions, that the general rule which had been laid down, and the arguments which had been founded upon it, of those who performed their duty to the State being entitled to be admitted to the Legislature, could not be held to be decisive. He considered, above all, that they had higher duties to perform than the fulfilment of that rule. For his own part he was disposed to place great value on a test of Christianity in which all classes of Christians could combine. He recollected that last Session they had been met by the Premier with a taunt, how little union or cordiality there now prevailed between the different classes of Christians in this country. He acknowledged the grounds for that taunt; but he trusted such grounds were not always to continue, and he looked forward with hope to the time when all classes of Christians, while still on all proper occasions pressing those points on which they differed, would yet take a pride in those points on which they concurred, so that the great principles of Christianity might be defended against the heathen and the sceptic. In that point of view—not looking at the present angry feelings which existed between them—but looking at the time when all classes of Christianity might be united for the promotion of its principles, he considered the possession of a common test of Christianity as a matter of no slight importance. For his part he conceived the resistance which he was disposed to give to this Bill, to be quite consistent with the support which in former years he had been disposed to give to the claims of the Roman Catholics. He thought that his resistance to the removal of a test of Christianity from the oath, ought not to be judged of as enforcing penalties against the Jews in consequence of their religion. He was sure that the resistance given by himself and his friends to the claims of the Jews to be admitted to the Legislature, was founded on upright motives, without the smallest taint of either personal rancour or religious intolerance.

The MARQUESS of GRANBY: Sir, I am anxious to state to the House the grounds upon which I shall give my vote against this Bill. The alteration of the oath taken by the Members of this House has little to do with the important point now under discussion, the alteration only being the means to an end of introducing the Jews into this House. I think it will be generally admitted by the Members of this House, though not perhaps by every one, that it is impossible to separate that subject from the discussion; and I think, also, that it will be admitted by a large portion of the House that it will be positively most injurious to admit the Jews into it. It is mainly on that ground, and having been taught from my earliest childhood that this is a Christian country, that I think it will not be right or prudent to pass this Bill. Sir, those with whom I act feel it their duty to oppose this measure on these grounds, and nothing that has been asserted by the hon. Members who support it has shaken their opinion. I think, as a constitutional question, the House ought to oppose the measure, and that it will be unwise and unbecoming in us to allow Jews to legislate for a Christian country and a Christian community. Now, Sir, I am aware that in resisting this Bill I shall lay myself open to the charge of persecuting the Jews, and visiting them with punishment for the sins of their forefathers. But, Sir, I think they have little right to make such a charge against my hon. Friends and myself because we oppose this measure. Sir, when I remember that the Jews, as a nation, have based their faith on the acts of their forefathers—when I remember that they refused to acknowledge the Founder of our faith—and when I remember that by the very enormity of the crime they committed they succeeded in fulfilling the prophecies of the Old Testament, it becomes with me a matter of principle to oppose their admission to the Legislature. But, Sir, in saying this, I must be also allowed to say that I do not think that there is any man in this House, or any large body of Christians, animated by hostile feelings towards, or a resolve to persecute, the Jews. On the contrary, it is perfectly competent to us in the fullest manner to acknowledge the benefits which the Jews have conferred on the country—to acknowledge the individual worth of many Jews—to acknowledge the example which they have set by their conduct as citizens—to acknowledge their loyalty and their intelligence. It is perfectly competent to the House in the fullest manner to acknowledge all these qualifications as possessed by the Jews; and we have done so by admitting them to the enjoyment of every civil, municipal, and military appointment. And, Sir, while we have admitted them to all these employments, we have allowed them the freedom of worshipping God in their synagogues in their own fashion. Sir, while we have done all this we ought not to be exposed to the taunt of wishing to persecute the Jews if we say we can go no further. I consider we have a perfect right—nay, a duty to perform in saying so; and I believe that we dare not admit a Jew to legislate for this country. Now, Sir, it has been asserted that, as we have done so much for the Jews, we ought to go the whole length and admit them to the Legislature. That was asserted by the hon. and learned Member for Reading, and the hon. Member for Leominster, who made a very able speech on the question before us. I the more regret that that hon. Member should have made such an assertion, because, from the talent he has shown this evening, I think he is likely very frequently to address the House. I regret that the assertion should have been made, because if it is to be laid down as a principle that, because we proceed certain lengths, we are to go further; that because, hereafter, according to the varying circumstances of a case, it is rendered necessary to make certain alterations in our laws and institutions—if it is to be laid down as a principle that because we make certain reforms, we are therefore called upon, without reason, argument, or show of justice, as we have gone certain lengths, to go still further—it will make persons cautious how they take even the necessary steps on the way of those reforms which are required by the changing circumstances of the times. But, Sir, I think that while you are doing great injury to yourselves by this Bill, you are also doing great injury to the Jews themselves. I think, if the Jews are conscientious and honest in their religion—I think that the Jews, whose every principle of faith, instinct of mind, and peculiarity of race is opposed to the Christian religion—cannot, if they act up to their principles, enter the Legislature. And I think it is not fair to place them in that position that their principles may be in opposition to their duties to the State. Sir, there is another argument which I will now briefly touch upon—I allude to the argument, that because the number of the Jews is so small it is not of much consequence whether they are allowed to enter the House or not. Sir, in my opinion that argument has but little to do with the question ; large or small, the principle is just the same. The great objection I have to the measure is not to the amount of mischief which it may inflict upon the House, but the effect which the acknowledgment of the principle may have upon the country—the danger which may result from its corroding influence on the constitution—and the disruption which will take place in society if the faith and confidence of the people in this House is shaken—since the want of confidence must lead to restlessness and change. Sir, looking at the question merely by the effect which the introduction of a small number of Jews into this House will produce, I think the danger is much underrated, and I will show that it will be very great. Sir, in order to do so, I will remind you of another argument which has been used on this question—that, do as we will, legislate as we may, impose what oaths we can, there will always be a certain number of professing Christians enter the House who are, in fact, infidels, and that no legislation can prevent it. Now, Sir, I answer to that, in the first place, if it is true there are such parties in this House—if it is true we cannot so legislate as to exclude infidels from the Legislature—that is no reason why we should admit those we are now able by the laws to exclude. While on this point I wish to call the attention of the House to the fact, that if the men who are admitted now to the House of Commons are not united, the greater will be the danger of admitting the Jews, and the greater their power according to their number. In conclusion, Sir, I have only to add my hope that, whilst we bestow on the Jews all respect, all kindness, and all sincerity, we shall take care that, in the sacred name of charity, we do not break through those barriers which have been wisely raised in former times to defend the Christian faith—a faith on which not only our hopes of salvation depend, but in the invaluable blessings of which we are led to hope even the Jew himself will eventually participate.

Mr. FAGAN, as a Roman Catholic who had formerly been excluded from the House by the state of the law, must vote for this Bill on the principle of doing unto others that which he should wish them to do unto him. He thanked the noble Lord the First Minister of the Crown for having brought in the Bill, which would be the crowning cap to the many triumphs which he had already achieved in the cause of civil and religious liberty. He was also pleased to find the right hon. Baronet the Member for Tamworth, who had also done good service to that cause, support the Bill; and he begged to congratulate the right hon. Baronet on the impression made upon the House by the hon. Member for Leominster, by his masterly speech. The Jews had always shown themselves a loyal and faithful people in every country in which they had been established, and the more so in those countries where the greatest liberties had been accorded them, and therefore they ought to be admitted to that House. He considered that the conduct of the Roman Catholics since their admission to that House was highly praiseworthy; for when a division was taken upon the Motion of the hon. Member for Bodmin, relative to the discipline of the Protestant Church, they had to a man absented themselves. If the Roman Catholics, against whom such prophecies had been denounced, had acted thus, might they not expect similar conduct upon the part of the Jews? The Jews were perfectly willing to take the oath of allegiance, if the words "upon the faith of a Christian" were omitted. The Jews had no desire for proselytism, and their admission to that House would not, therefore, be dangerous. The Protestant Members who took the oath that the Pope of Rome had no spiritual power in that realm, were guilty of loose swearing, for it was a patent fact that he had spiritual power. He further contended, since the passing of the Colleges and the Catholic Bequests Bill, that the Pope of Rome had temporal power also. He desired very much to see the form of the Catholic oath altered to a form which would be more congenial to the feelings of every conscientious man. The hon. Member for Warwickshire characterised the Roman Catholic religion as idolatrous, and was always accusing the 30 or 40 Roman Catholic Members of that House with a want of respect for an oath, though it was their respect for an oath which excluded them so long. The Jew elected a Member of that House must be so by a Christian or Protestant constituency, who would not return any one to injure their religion. Those useless forms which impeded the admission of representatives to that House ought to be abolished as speedily as possible.

Mr. PLUMPTRE could say, from the bottom of his heart, that he was not actuated by any bitter, hostile, or persecuting spirit towards the Jews, in giving the Bill his most strenuous opposition; and he believed he might say the same for those who acted with him. For his own part, he had anything but such a feeling;

for he looked back to the past history of the Jews, and onward to their future history, with the greatest respect; he might add, with a feeling akin to veneration. The hon. and learned Member for Reading had stated that the Jew was not placed in antagonism to the Christian; and he (Mr. Plumptre) agreed with him, supposing the Jew were brought to receive the Christian religion, and to stand in the same relation to the Head of the Church that Christians occupied; but he must contend that the Jew was an antagonist to the Christian as long as he rejected Him after whom Christians were called. He (Mr. Plumptre) was opposed to the further progress of the present measure, because the Jew, as a Jew, rejected the only Saviour. That was the reason why he would not consent to admit the Jew, as a Jew, to take part in legislating for this Christian country; and from no bitter, no hostile, and no persecuting spirit. He believed that, as a Christian community, this country was bound to do all that in it lay to promote the honour and glory of the Saviour; and because the Jew refused to own Him as his Saviour, he did not think the Jew to be a fit person to take part in the deliberations and proceedings of a Christian Legislature.

MR. MONCKTON MILNES deprecated the strain of argument in which the hon. Gentleman who had just spoken had indulged. The question was not whether a man should be admitted into that House who should be chosen by any chance constituency, but whether a man of the highest station and character who had been elected to a seat in that House some two years ago by one of the most powerful and intelligent constituencies in the country, was, by the regulations of the House, to be debarred from taking his seat and joining in their deliberations—whether, in fact, that election was to be declared null and void? They could not come to a decision of that kind without declaring that the constituency of the metropolis had violated its electoral character. He was surprised that that view of the matter had not been more regarded in the course of the discussion. Following out the train of reasoning which it suggested, they would come to a sound and practical conclusion. He would recall to their consideration a matter which had not been sufficiently pressed upon their attention, namely, the end and object of the Bill before them, which was, that there should cease to be within the realm of Great Britain any one body of men excluded from participation in their legislation. They had passed upward step by step until they had included within admissibility to their Legislature every man whose education and pecuniary means offered no obstacle to his becoming a member of that body; and now they were about to complete that course of just policy. By widening the basis of the constitution, they were adopting the best means for its real security; for in these convulsed and difficult times there should be no body, however small its numbers, who should have reason to entertain feelings other than those of loyalty to the constitution. Let the present Bill pass, and there would not be within Britain one man who had a right to complain of exclusion from the full enjoyment of their institutions. It should be remembered that wherever the Jews were long established, they had gone along with the nation in which they dwelt—they never conspired against it—they became identified with it; and, when fairly treated, ended by becoming its most faithful citizens. The opponents of the measure, in order to justify their opposition, must show that the Jews could not become true Englishmen. He should certainly give his most cordial assent to the Bill.

MR. BANKES admitted that the speech in the present debate which had produced the greatest effect was that of the hon. Member for Leominster. That speech was a condensation of all the arguments which had been used in favour of the measure. But he could not help thinking that it was not the weight of argument so much as the fervour with which it was delivered, that produced so strong an impression upon the House. It was said that the exclusion of Jews from the House was only a recent act of legislation, but that was a mere evasion of the fact. There was no need of passing an Act of Parliament to exclude Jews from a seat in the House, when they were denied those civil rights and privileges the concession of which had taken place at a comparatively recent date. In those times there was not only no probability of a Jew taking his seat in the Legislature, but there was no possibility of it, because a Jew was not naturalised. To propose, therefore, in the period to which he referred, that a Jew should not be allowed to sit in Parliament, would be as wanton, as useless, as absurd, and as superfluous a piece of legislation as could well be imagined. In the reign of

William III. no Jew was allowed to hold freehold property in this realm—he had not the necessary qualification, and, therefore, what was the use of making an Act of Parliament to state that a disqualified person could not be a Member of that House? What was the use of the oath? Was it not a test of the fitness of men to sit in Parliament—was it not a guarantee of their having the proper dispositions and opinions for legislators? If not, why did they place a clause in the oath that men should not disturb the settlement of property? He did not dispute the utility of that test. He thought it was a useful provision. He thought it was right that the men who took a seat in that House should give some guarantee that they were disposed to maintain the settlement of property. Hon. Gentlemen opposite valued that qualification; but they were anxious to abolish a still more sacred and important one—namely, that which regarded the maintenance and security of the established religion of this country. He could very well understand Chartists and Socialists objecting to the oath, because they objected to all qualification whatever, pecuniary or religious; but he could not appreciate the objections of men who said you must have a property qualification—you must swear to maintain the settlement of property, but regarding religion we will have no test or qualification whatever. He disliked this Bill much more than the Bill of last Session; and if it were not considerably altered in Committee, the effect would be, not only to admit Jews into Parliament, but to admit Roman Catholics without any check whatever in regard to hostility to the Established Church, for if they maintained a form of oath for Roman Catholics where it implied an unworthy suspicion of that sect alone, and one, perhaps, which they did not deserve, and yet to abolish the provision, would be to dispense with another of the elements of the security of our institutions. The hon. Member for Leominster triumphantly alluded to the Roman Catholic Relief Bill, and the repeal of the Test and Corporation Acts, and asked what harm had those measures done? He (Mr. Bankes) was one of the last to ask for a revocation of a great act of the Legislature; but thus much he would say, in reply to the question of the hon. Gentleman, that he did perceive mischiefs resulting from the adoption of that policy, and that it was because he perceived those results that he now hesitated to persevere in it. He lamented to say that he did perceive a great change in the tone, feeling, and opinions of the Legislature since those measures had passed, and one not at all conducive to the discussion of measures of this kind in a proper spirit. He admitted that many of the Jews were highminded and honourable men, and an ornament to that high sphere of society in which they moved; but he could never think that a Jew, however high his moral qualities might be, was a fitting person to discuss matters affecting the Christian religion—matters such as were frequently discussed in that House; and he did not think it was the slightest reflection upon the Jew to say, "We do not think you a fit person to summon to our councils; and, though we admit you to be a good and loyal subject, yet, being a Jew, we cannot admit you as a member of our Legislature, because it is, and has been, a Christian assembly, and reflects the sentiments and religious opinions of a Christian community." The hon. Gentleman concluded by saying he must give his decided opposition to the second reading of the Bill.

Lord J. RUSSELL: Sir, as the House seems to desire that the division should now take place, I am ready, not having spoken at the commencement of the debate, to offer such answers as seem to me conclusive to the objections that have been made to the second reading of this Bill. I must lament, however, that in the course of this debate I have not had the advantage, as I had last year, of the assistance of the hon. Gentleman who sits opposite to me, the hon. Member for Buckinghamshire, who, last year, with so much eloquence and so much force, argued in favour of the measure which I then proposed. But I trust that if he has forborne any arguments to-night, it is because he thinks that the arguments urged by his hon. Friends who sit near him were so entirely devoid of force that they did not merit the reply which his powerful eloquence could have given to them. But if I have been disappointed in that respect, I have been greatly gratified at hearing a speech from a Member who has not before addressed the House—from whom the House, knowing his name and lineage, were prepared to expect close argument, force, and eloquence. The hon. Member, therefore, had much to do to fulfil the expectations of this House; but I must say those expectations were more than realised. The hon. Gentleman went completely and accurately over the historical part of the question. I should not have alluded again to any part of that question were it not that the hon. and learned Gentleman who has just sat down, seems to me to have fallen into an inaccuracy, which, from him, I should not have expected. The hon. and learned Gentleman hardly attempted to deny that the exclusion of the Jews was not direct, and the result of purpose; that it was an effect of the intention to impose the sanction of an oath, without any direct intention of exclusion. And alluding to that part of our history in the reign of William III., when these words, "upon the true faith of a Christian," were not contained in the oath, he said it seemed to be forgotten by the hon. Gentleman the Member for Leominster that the Jews being at that time excluded from holding land, were excluded by the want of a freehold qualification, which Members were obliged to possess. I think the hon. and learned Gentleman, with his knowledge of the constitution, ought to have recollected it was not till the 9th of Anne that the property qualification was imposed.

Mr. BANKES: I said, the Jews could not sit because they were not naturalised.

Lord J. RUSSELL: That is another part of the question. The objection which the hon. and learned Gentleman put, that they were obliged to hold freehold lands, was not a valid objection, because it was not until the 9th of Anne that that Bill passed—a proof of the jealousy, as I think, of the landed interest against the commercial interest, and a provision which, as far as regarded the cities and boroughs of this country, was totally opposed to the spirit of the constitution. This, therefore, is not a point in favour of the hon. and learned Gentleman's view, as far as relates to the constitutional argument. My hon. Friend the Member for the University of Oxford, who commenced this debate, discussed the proposal which I have made with reference to one alteration of the oath; and he insisted that it was desirable still to keep that part of the oath by which the Protestant Members of this House deny that the Pope has any ecclesiastical or spiritual authority in this country. In bringing forward this question, I argued that that denial was intended as a security against the Roman Catholic, and that no Protestant was likely to promote the ecclesiastical and spiritual authority of the Pope, but that you had parted with that security as regarded the Roman Catholics, and as you did not require it against the Roman Catholics, of whom you might have some reason to be jealous, it was absurd to keep it with regard to those of whom you could have no complaint whatever. But my hon. Friend seemed to think there was some ecclesiastical and spiritual jurisdiction given to the Pope, because the Members of this House do not deny that it exists. I cannot imagine that any of our courts of law, because a Member of this House does not deny that it exists, would be ininclined or disposed in any way to admit such an authority, when, by law, no such authority exists. In the same way, my hon. Friend said it was a loss of security, and that in referring to the Act of Succession to the Crown, I have not mentioned that the succession is limited to certain persons being Protestants. In framing an oath which binds those who take it to maintain the succession to the Crown, it is quite unnecessary to say more, because the Act itself gives the Crown only to those who are Protestant; but my hon. Friend is so enamoured of oaths and declarations, that he thinks, where the thing is perfectly plain and settled by the law, an oath or a declaration is useful to add to the force of the obligation. If an hon. Member, on coming into this House, were obliged to say solemnly that two and two make four, the fact of his saying that two and two make four would not make it a bit more true than it was before. There would be the same force in that obvious truth that there is now—neither a bit more nor less; but my hon. Friend seems to think if we declare that the Crown is limited in this way to Protestants, we therefore add additional obligation to the Act of Parliament. Now, the Act of Parliament being perfectly good in itself, I submit, it requires no further declaration to add to the force of its obligations. My hon. Friend, and those who came after him, have, as I think unsuccessfully, endeavoured to show that some practical evils would arise from this Bill. They said it would do some injury to Christianity. How it could be an injury to Christianity they do not tell us. They said there might be some attempt to injure Parliament if Jews were introduced here. Now, only imagine three or four Jews, trusted by their countrymen, making some Motion in this House, hostile to Christianity, or attempting to carry some measure by which Christianity would be injured? Can any man think there would be the smallest chance of success for any such measures, or that any body of constituents in this country would assist Jews who were capable of making so insane an attempt? Then it is said if they did not attempt to pass such measures, they would use expressions reviling Christianity. We have in this, which happily is not a theological assembly, some persons who are Unitarians, and others are Roman Catholics; but we do not hear the Unitarian sneering at the doctrine of the Trinity, nor the Protestant calling in question the doctrine of transubstantiation, or any part of the creed and faith of the Roman Catholic. No more would the Jew ever think of reviling that which he knew to be the faith of the great majority of this House. They have, I believe, too much temper, and too much of that forbearance which is very properly called Christian charity, to attempt to offer such gross insults to persons who differ from them. Where is it, then, that all the danger occurs? My hon. Friend says it is a proof of the jealousy of Parliament against the Jews, that by a certain Act of Parliament, with which I am not acquainted, they were not admitted into Ireland. That may be the case, but I do not think that Ireland has been the gainer by their exclusion. Had it been the case that some rich Jews had disposed of their capital there, I do not think my hon. Friend would say Ireland would have been injured. Another hon. Gentleman, the gallant Member for Essex, used, as an argument against this Bill, the fact that we were not threatened with any dangerous proceedings on the part of the Jews. The Roman Catholics, who were considerable in numbers, might have been alienated from this constitution by any longer resistance to their claims; the Protestant Dissenters were so powerful, and so discontented at being excluded from the privileges of the constitution that they might have threatened the peace and welfare of the country. But here are the Jews, few in number, and not likely to make an insurrection; they have no great influence in promoting discontent, and they do not seem disposed to do it; they behave themselves equally well under grievances and disabilities; and as there is no danger, they are just the proper objects of exclusion and persecution—therefore let us exclude and persecute them. I say that is not the way to treat this question; and that the Roman Catholics and Protestant Dissenters having been admitted to the benefits of the constitution because they were somewhat threatening you with discontent, speaks well neither for your wisdom nor your liberality. My wish upon this whole subject is, that there should be no exclusion upon account of religion. A person's religion should be no matter for punishment or penalty; and I do not think, until the Jews are admitted, that you can say the principle of religious exclusion is not maintained. One hon. Gentleman argued that Roman Catholics might take advantage of this Bill in order to get rid of part of the obligation of their present oath; but, on looking into the Act, I find that Roman Catholics are admitted to all offices without taking the oaths at all—and, therefore, I cannot imagine what possible cases of evasion the hon. Member alludes to. But persons professing the Roman Catholic religion are not in the habit of concealing that profession. They are not in the habit of professing the Roman Catholic religion one day, and the next day leaving it doubtful what their religion is. We all recollect that for more than a century they were excluded from this House in consequence of their conscientious scruples to taking the oath required of them; and I can, therefore, never suppose that, by any paltry evasion under this Bill, they would seek to take an oath less stringent than that which they now take. We have been accustomed to hear, in the course of this debate, that the House is now Christian, and that it will cease to be so if Jews became once admissible. But, as it has been already admirably argued on this subject, we have deprived our corporations of their Christian character, our various offices in the State of their Christian character, by allowing Jews to be eligible to them. But an expression which fell from the hon. Member for Warwickshire shows that this amalgamation of Christian sects, which on this Bill, and on this Bill alone, we find so much dwelt upon, is not as much valued as we might at first be disposed to imagine, as he has told us that he will always maintain the idolatrous character of the Church of Rome. If that be so, what becomes of the Christianity of the House, if part of these Christians belong to a church that others believe to be idolatrous? Surely the hon. Gentleman cannot be so anxious as he pretends to maintain that peculiar religious character of the House, of which he maintains that a portion is idolatrous. But, on that point, I have to say that I do not believe the character of the House will be altered by the admission of some three or four Jews into Parliament. One hon. Gentleman denied with indignation that the presence of 40,000 Jews prevented this from being a Christian country; and if 40,000 Jews among the population be no reason why the country should not be called Christian, we may surely be entitled to call this a Christian Legislature, even though some three or four Jews should have seats among us. I trust that the House, disregarding the arguments that have been used against this Bill, and acting on those principles of charity which I believe are truly Christian principles, will admit the Jews into the bosom of this Legislature. That not denying, as we do not deny, that they have all the character of good subjects—that they are loyal and peaceable—that they are ready to defend the Sovereign of these realms against all attacks—and that they are faithful adherents of the constitution under which we live—I hope the House will not commit the injustice of depriving them of the rights and franchises that belong to them as British subjects.

MR. GOULBURN said, that he would not trespass many minutes on the attention of the House. He had been anxious to hear some explanation from the noble Lord at the head of the Government to enable him clearly to understand the nature of the proposal; for this Bill was entirely different from that of last year; and he thought the House had a right to inquire upon what grounds the noble Lord, professing the same object, proposed an alteration which appeared to be as much misunderstood by the supporters as by the opponents of the Bill. Some hon. Gentlemen who were advocates of the Bill, spoke of it as the keystone of the arch, as the removal of all remaining disabilities and exclusions; that was very poetically stated by the hon. and learned Member for Reading, and perhaps it was the better poetry because it was quite inconsistent with the fact. This Bill got rid of no exclusion but one; it altered the oaths to be taken by Members of that House, which in their present state had been characterised as irrelevant and absurd; but if the Jew came into that House, and by his talent and ability proved himself qualified to fill high offices of the State, he must then take those very oaths which they said were so absurd. Why had the noble Lord continued that exclusion? The House also had a right to know why the noble Lord had made an alteration in the obligation under which last year he proposed that the Jews should be admitted; why he no longer required them to swear, as the Roman Catholics were required, that they would do nothing to the prejudice of the Established Church, or to disturb the settlement of property in the kingdom? And when the noble Lord talked of the absurdity of the oaths as they stood at present, he had not, apparently, read his own Bill with sufficient accuracy, for by that Bill he called upon the Protestant Members of Parliament to swear that they did not believe that any foreign Prince had any civil authority in this realm. To require the Protestant Members of that House to swear that they did not believe that the Emperor of Austria or the King of Prussia had any civil jurisdiction in this country, was, of all propositions, the most unnecessary. The one main object of the Bill was to introduce the Jews into Parliament, limiting the Bill to that; and if the noble Lord had called them persecutors for opposing this measure, he might in his turn, when the Jews had once been admitted, call upon them to say who were the persecutors then, and point to the noble Lord. The opinions on this subject which he had formerly expressed remained unchanged; and in coming to that opinion he was not actuated by the consideration that the Jews were wanting in personal qualifications, or that they would in any very considerable numbers obtain seats in that House; but so long as the House was called upon to deal with matters deeply affecting the Christian faith—so long as they had to enforce Christian obligations and duties, it was, in his opinion, essential, as far at all events as the public impression was concerned, that the Legislature should not declare it to be a matter of indifference whether its Members were or were not Christians. He trusted that at a future time they would have an explanation upon all these points. He could not allow an opportunity to pass without bringing them under the notice of the House.

MR. ROEBUCK said, he would not trouble the House long. He hoped the observations of the right hon. Gentleman the Member for the University of Cambridge, would be a lesson to the noble Lord at the head of the Government, as he had told them that, if the noble Lord had brought in a Bill to admit everybody, he should have no objection to urge against it. ["Hear!"] That, at least, was the argument of the right hon. Gentleman. The right hon. Gentleman said, "I will show you that you are inconsistent with yourselves." But, unfortunately, they all knew that the House was obliged to be inconsistent with itself, in consequence of the variety of opinion within it. If any person brought in a general measure, he was met with so much opposition that he was obliged to give way to meet this, that, and the other objection, and he necessarily fell into that sort of contradiction which the right hon. Gentleman thought he had traced to the noble Lord. But it struck him that the inconsistency which the right hon. Gentleman seemed to trace in the Bill, did not exist. If the right hon. Gentleman would turn to the 5th Clause, he would find every person included, with the exception of the persons called Quakers, and every person now by law permitted to make a solemn declaration or affirmation instead of an oath. The Mahomedan, the Parsee, or the Hindoo, when he came to one of our courts of justice, was allowed to take that form of oath which was binding on his own conscience; and in the present Bill the words appeared to him to be as general as they well could be, and seemed of necessity to admit everybody; and if the noble Lord had intended to exclude anybody, he had, in his (Mr. Roebuck's) opinion, failed in his purpose. He was delighted to hear the right hon. Gentleman say that he objected to the system of bit-by-bit legislation, which, he was sorry to say, attached to that House. The noble Lord and the right hon. Gentleman were quite right in censuring oaths where the matter sworn to was as clear as that two and two make four; but he would wish to know from the noble Lord what it was that he took upon himself in administering an oath to anybody? When a Gentleman came to that table to be sworn, they could desire to do only two things: first, to have the sanction of religion to enforce upon him the performance of his duty; the other thing was, that they were about to lay a trap by which they could exclude a certain number of persons from that House. Now, he would take these propositions as they came. Did any oath, he would ask, add the sanction of religion to the performance of a Member's duty in that House? He utterly denied it. Was it to be said that any human being, by refusing to take an oath when about to perform his duty, divested himself of the obligation by which he had undertaken to perform that solemn duty? And if not, then was it in his power to say that the Almighty—for he felt obliged to use that great name, from the manner in which the debate had been carried on—would excuse him from that obligation if no oath were taken, and would cease from overlooking, forbidding, and punishing his disobedience? That Power was always ruling above; but the sanction of an oath ought not to be employed on any occasion where it did not add the sanction of religion to the obligation imposed on any man who undertook a particular duty. What was the practical conclusion to which this brought him? That every man who undertook a duty was not to say within his own breast that he should not submit himself to the sanctions which that duty imposed. There were various sanctions—the sanction of law—the sanction of public opinion—the sanction of religion—and he maintained that a man could not divest himself of them. When he undertook a duty, public opinion fixed itself upon him, and so did the law, and so did religion. But, supposing that oaths were binding in an especial manner, was not that obligation as binding in the case of the Jew as of anybody else? The Jew said, "I believe at least half of what you believe. I believe in the oath, in the sanction of that oath, and I am ready to give you that oath on the obligation and sanction of my religion." What was the reply of hon. Gentlemen in that House? "Oh, no, I do not want you to take the oath in the way that you think binding, but in the way that I choose to frame it." In the courts of law they were too wise to do this. They there bound every man according to his conscience; but in that House, because they had another object in view, they had adopted another plan, and instead of the plain common-sense course, they sought by a shift, a side-wind, a hypocrisy, and a base proceeding, to exclude a party to whom they had not the courage to say to his face, "You shall not be here." He wanted to know why the Jews were not to be there? They eat with the Jews, they drank with the Jews, they dealt with the Jews; and when the hon. Baronet the Member for the University of Oxford came to deal with the Marriage Bill, next day, they would have him citing the Jew as a lawgiver. He would cite the Jew for anything and everything that he thought he could make use of him as an authority against common sense. He was ready to admit the claims of the Jew as a legislator some thousand years gone by, but he would not allow the Jew to sit there to make laws for him at the present day. It was quite clear that that very book which the hon. Gentleman would be ready to cite to-morrow as an authority against any one who supported the Marriage Bill, was the book which the Jews believed, which the Jews handed down to them, and which contained the very precepts of morality that they daily and hourly taught to their children. He appealed to the common sense of the House and of the country, and he asked what there was in the man or in the men who believed in the great decalogue which they taught to their children, to prevent him or them from legislating for this country? They were not, as an hon. Gentleman scoffingly said, aliens. They were Englishmen professing the duties of Englishmen. In that character they were honourable men; in that character they possessed all the morality that Christians approved of and taught. But "oh," said the hon. Gentleman, "you are going to unchristianise the House." This was one of the meshes which caught the small flies, but which the large flies broke through. He would suppose the case of a man who had no religion coming to that table, looking on the paraphernalia before him as a matter of mere indifference—laying his hand on the book as though it were so much waste paper, curling his lip in scorn, while he remembers the mental reservation which he makes to himself—riding through their Act of Parliament, and laughing at their precautions. Had not all that been done? Were they all Christians in that House before Gibbon took the oaths? Or did any man believe that his example was not acted upon at the present day? It was true, they made Parliament consist of professing Christians; but what he wanted was, that they should fill the House with legislators who would best perform their duty to the country, and that selection could best be made by those who sent them there. They were not a people to be caught with a general plan, but taught by experience; they took only that step which their last experience justified; and he who asked them to take that step would win their confidence; while he (Mr. Roebuck) and others who asked them to take a wide and general step were called schemers, dreamers, and a vast number of other hard words—they would not be followed—they would not be obeyed—thoy would not be listened to. The noble Lord who, on this occasion, seemed to have learned a lesson from the right hon. Gentleman opposite, had taken the wise course of appealing to the common sense of his countrymen, and therefore he asked the House to affirm the measure.

MR. GOULBURN said, the hon. and learned Gentleman had so totally misunderstood what fell from him—if the hon. and learned Gentleman would listen, he thought he would himself admit he had misunderstood him—that he hoped the House would allow him, in a sentence, to restate what he did say. He stated that those hon. Members who supported the Bill did not seem to understand its purport, because they spoke of it as the crowning arch of entire freedom to all persons in the State; and he said it was no such thing, because it only relaxed those oaths which related to entrance into Parliament; but it retained, in the oaths which must be taken by persons on being admitted to office, all those phrases which the Jew rejected, and all those absurdities of which the noble Lord wished to get rid. The Bill, therefore, would not satisfy the ambition of the Jew, nor would it accomplish all that the hon. and learned Member for Reading had in such poetic language described.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 278; Noes 185: Majority 93.

List of the AYES.

Abdy, T. N.
Adair, H. E.
Adair, R. A. S.
Adare, Visct.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blackall, S. W.
Blake, M. J.
Blewitt, R. J.
Brand, T.
Bright, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Browne, R. D.
Bulkeley, Sir R. B. W.
Bunbury, E. H.
Buxton, Sir E. N.
Callaghan, D.
Cardwell, E.
Carter, J. B.
Caulfeild, J. M.
Cavendish, hon. C. C.
Cavendish, W. G.
Cayley, E. S.
Charteris, hon. F.
Cholmeley, Sir M.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobden, R.
Cockburn, A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Cowan, C.
Cowper, hon. W. F.
Craig, W. G.

Crawford, W. S.
Crowder, R. B.
Currie, R.
Dalrymple, Capt.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, E.
Denison, W. J.
Devereux, J. T.
Disraeli, B.
Duff, G. S.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Ellice, E.
Ellis, J.
Elliott, hon. J. E.
Evans, Sir D. L.
Evans, W.
Ewart, W.
Fagan, W.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, R. M.
Fox, W. J.
Freestun, Col.
French, F.
Gaskell, J. M.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Giyn, G. C.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, J.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Guest, Sir J.
Haggitt, F. R.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, R.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heathcoat, J.
Heneage, E.
Henry, A.
Herbert, H. A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, rt. hn. Sir. J.
Hobhouse, T. B.
Hodges, T. L.
Hogg, Sir J. W.
Hollond, R.
Horsman, E.

Howard, Lord E.
Howard, hon. C. W. G.
Howard, Sir R.
Hutt, W.
Jackson, W.
Jermyn, Earl
Jervis, Sir J.
Johnstone, Sir J.
Keogh, W.
Keppel, hon. G. T.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lawless, hon. C.
Lemon, Sir C.
Lennard, T. B.
Lewis, G. C.
Lincoln, Earl of
Loch, J.
Locke, J.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
Meagher, T.
Maitland, T.
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, C. W.
Martin, S.
Matheson, J.
Matheson, Col.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Milton, Visct.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Muntz, G. F.
Norreys, Lord
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Connell, J.
O'Connor, F.
O'Flaherty, A.
Ogle, S. C. H.
Ord, W.
Oswald, A.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmer, R.
Palmerston, Visct.
Parker, J.
Pearson, C.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, F.
Perfect, R.
Philips, Sir G. R.
Pigott, F.
Pilkington, J.
Pinney, W.

Power, N.
Powlett, Lord W.
Pryse, P.
Pusey, P.
Rawdon, Col.
Reynolds, J.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roebuck, J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Sadleir, J.
Salwey, Col.
Sandars, G.
Scholefield, W.
Scully, F.
Seymour, Sir H.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Smythe, hon. G.
Somers, J. P.
Somerville, rt. hn. Sir W.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Talbot, C. R. M.

Talbot, J. H.
Talfourd, Serj.
Tancred, H. W.
Tenison, E. K.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Traill, G.
Trelawny, J. S.
Urquhart, D.
Vane, Lord H.
Verney, Sir H.
Villiers, hon. C.
Vivian, J. H.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Watkins, Col. L.
Wawn, J. T.
Westhead, J. P.
Willcox, B. M.
Williams, J.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyld, J.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Acland, Sir T. D.
Adderley, C. B.
Alexander, N.
Arbuthnott, hon. H.
Arkwright, G.
Ashley, Lord
Bailey, J.
Bailey, J., jun.
Baldock, E. H.
Bankes, G.
Beckett, W.
Bennet, P.
Bentinck, Lord H.
Bernard, Visct.
Blackstone, W. S.
Blandford, Marq. of
Boldero, H. G.
Bourke, R. S.
Brackley, Visct.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Bromley, R.
Brooke, Lord
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Bunbury, W. M.
Burghley, Lord

Burrell, Sir C. M.
Burroughes, H. N.
Chandos, Marq. of
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Compton, H. C.
Conolly. T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Deedes, W.
Dod, J. W.
Douro, Marq. of
Drumlanrig, Visct.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.

Emlyn, Visct.
Estcourt, J. B. B.
Euston, Earl of
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Floyer, J.
Forester, hon. G. C. W.
Fox, S. W. L.
Fuller, A. E.
Goddard, A. L.
Gooch, E. S.
Gordon, Adm.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.
Granby, Marq. of
Greene, T.
Grogan, E.
Grosvenor, Earl
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Harris, hon. Capt.
Heneage, G. H. W.
Henley, J. W.
Hervey, Lord A.
Hildyard, R. C.
Hildyard, T. B. T.
Hodgson, W. N.
Hood, Sir A.
Hope, A.
Hotham, Lord
Jolliffe, Sir W. G. H.
Jones, Capt.
Kerrison, Sir E.
Knightley, Sir C.
Knox, Col.
Lacy, H. C.
Lascelles, hon. E.
Law, hon. C. E.
Legh, G. C.
Lennox, Lord H. G.
Leslie, C. P.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Mackenzie, W. F.
Macnaghten, Sir E.
Mahon, Visct.
Mandeville, Visct.
Manners, Lord C. S.
March, Earl of
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Moody, C. A.
Morgan, O.
Mullings, J. R.
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Noel, hon. G. J.
Ossulston, Lord
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Peel, Col.
Pennant, hon. Col.
Pigot, Sir R.
Plowden, W. H. C.
Plumptre, J. P.
Portal, M.
Raphael, A.
Reid, Col.
Repton, G. W. J.
Richards, R.
Rushout, Capt.
Sandars. J.
Seymer, H. K.
Shirley, E. J.
Sibthorp, Col.
Simeon, J.
Smyth, J. G.
Smollett, A.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanley, hon. E. H.
Stephenson, R.
Stuart, J.
Sturt, H. G.
Taylor, T. E.
Thesiger, Sir F.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Trollope, Sir J.
Turner, G. J.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Villiers, Visct.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Wellesley, Lord C.
Williams, T. P.
Worcester, Marq. of

TELLERS.
Inglis, R. H.
Beresford, Maj.

Main Question put, and agreed to.

Bill read 2°, and committed for Monday next.

PUBLIC HEALTH (SCOTLAND) BILL.

The LORD ADVOCATE moved the Second Reading of this Bill.

Mr. F. MACKENZIE objected on the ground of the lateness of the hour, and moved, as an Amendment, that the House should adjourn.

Motion made, and Question proposed, "That the Bill be now read a second time."

Whereupon Motion made, and Question put, "That this House do now adjourn."

The House divided:—Ayes 24; Noes 69: Majority 45.

List of the Ayes.

Adderley, C. B.
Arkwright, G
Boldero, H. G.
Bruce, C. L. C.
Charteris, hon. F.
Christy, S.
Duncuft, J.
Farrer, J.
Floyer, J.
Greene, J.
Henley, J. W.
Herbert, H. A.
Hodgson, W. N.
Lockhart, A. E.
Lockhart, W.
Lowther, hon. Col.
Miles, P. W. S.
Oswald, A.
Packe, C. W.
Plowden, W. H. C.
Sibthorp, Col.
Stuart, H.
Sullivan, M.
Vesey, hon. T.

TELLERS.
Mackenzie, W. F.
March, Earl of

List of the Noes.

Aglionby, H. A.
Baines, M. T.
Baring, rt. hon. Sir F.T.
Berkeley, C. L. G.
Blackall, S. W.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Cavendish, hon. G. H.
Cholmeley, Sir M.
Cowan, C.
Craig, W. G.
Davie, Sir H. R. F.
Douglas, Sir C. E.
Duncan, G.
Dundas, Adm.
Ebrington, Visct.
Elliot, hon. J. E.
Fordyce, A. D.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grey, R. W.
Haggitt, F. R.
Hallyburton, Lord J. F.
Hastie, A.
Hawes, B.
Hobhouse, T. B.
Hope, A.
Howard, Lord E.
Howard, hon. E. G. G.
Jervis, Sir J.
Lacy, H. C.
Lascelles, hon. W. S.
Lewis, G. C.
M'Gregor, J.
Maitland, T.
Martin, C. W.
Matheson, Col.
Melgund, Visc.
Milner, W. M. E.
Moffatt, G.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mundy, W.
Nugent, Sir P.
Paget, Lord C.
Paget, Lord G.
Pakington, Sir J.
Parker, J.
Pearson, C.
Pigott, F.
Pilkington, J.
Pinney, W.
Plumptre, J. P.
Ricardo, J. L.
Rice, E. R.
Romilly, Sir J.
Russell, F. C. H.
Rutherfurd, A.
Somerville, rt. hn. Sir W.
Stuart, Lord D.
Stuart, Lord J.
Thicknesse, R. A.
Thompson, Col.
Townshend, Capt.
Vane, Lord H.
Westhead, J. P.
Wilson, J.
Wyld, J.

TELLERS.
Tufnell, H.
Hill, Lord M.

Mr. CUMMING BRUCE opposed the second reading of this Bill. He wished it to be postponed to a more fitting opportunity.

The LORD ADVOCATE did not think that a Bill precisely on the plan of the law of England would have been opposed at all. He did not object to a postponement, if such were desirable, but he should leave it to the House to decide whether any reason had been shown for postponement.

Sir G. GREY said, that if any hon. Member objected to the principle of the Bill, ample time would be given before the Bill was passed on through the House.

MR. CHARTERIS hoped that if the second reading was taken now, the Committee would not be hurried forward. There were nine Scotch Bills on the table, and the people of Scotland were quite alarmed at the legislative fecundity of the Lord Advocate.

The LORD ADVOCATE reminded the House that he was under a pledge from last Session to force on this Bill as fast as possible. It contained no new principle whatever, and he hoped that the House would consent to pass the measure through its present stage.

MR. F. MACKENZIE moved the adjournment of the debate.

Motion made and Question put, "That the debate be now adjourned."

The House divided:—Ayes 19; Noes 63: Majority 44.

Question again proposed. Whereupon Motion made and Question proposed, "That this House do now adjourn."

Motion, by leave, withdrawn.

Original Question, by leave, withdrawn.

Bill to be read 2° To-morrow.

The House adjourned at One o'clock.

COLONIAL ADMINISTRATION.

DIVISION LIST ON MR. SCOTT'S MOTION FOR A "SELECT COMMITTEE"—see page 376.

List of the AYES.

Adderley, C. B.
Anstey, T. C.
Baillie, H. J.
Baldock, E. H.
Bateson, T.
Blewitt, R. J.
Broadwood, H.
Chichester, Lord J. L.
Christy, S.
Clifford, H. M.
Cubitt, W.
Currie, H.
Devereux, J. T.
Duncan, G.
Dunne, F. P.
Fellowes, E.
Greene, J.
Harris, R.
Hood, Sir A.
Kershaw, J.
King, hon. P. J. L.
Masterman, J.
Molesworth, Sir W.
Muntz, G. F.
O'Brien, Sir L.
O'Connell, J.
O'Flaherty, A.
Pearson, C.
Salwey, Col.
Sidney, Ald.
Spooner, R.
Stuart, Lord D.
Thicknesse, R. A.
Thompson, Col.

TELLERS.

Hume, J.
Scott, F.

List of the NOES.

Abdy, T. N.
Anson, hon. Col.
Armstrong, Sir A.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Blackall, S. W.
Brotherton, J.
Bunbury, E. H.
Chaplin, W. J.
Childers, J. W.
Clay, Sir W.
Cocks, T. S.
Colebrooke, Sir T. E.
Compton, H. C.
Cowper, hon. W. F.
Craig, W. G.
Crowder, R. B.
Currie, R.
Dawson, hon. T. V.
Dundas, Adm.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Evans, J.
Evans, W.
Ferguson, Col.
Fordyce, A. D.
Fortescue, hon. J. W.
Fox, R. M.
Glyn, G. C.
Grey, rt. hon. Sir G.
Grey, R. W.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Hobhouse, rt. hon. Sir J.
Howard, Lord E.
Howard, Sir R.
Jervis, Sir J.
Johnstone, Sir J.
Keppel, hon. G. T.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, G. C.
Mackinnon, W. A.
Mangles, R. D.
Matheson, A.
Maule, rt. hon. F.
Mitchell, T. A.
Morris, D.
Norreys, Lord
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Somerville, rt. hon. Sir W.
Talbot, J. H.
Talfourd, Serj.
Tancred, H. W.
Thornely, T.
Ward, H. G.
Wellesley, Lord C.
Westhead, J. P.
Williams, J.
Williamson, Sir H.
Wood, rt. hon. Sir C.
Wood, W. P.

TELLERS.

Hill, Lord M.
Tufnell, H.

Brotherton, Mr. J., *Salford*
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Poor Laws (Ireland)—Rate in Aid, Rep. 706
Privilege, Breach of—Reporting the Debates, 1058
Supply—Property of the late Samuel Ashton, 957

Brougham, Lord
Canada Rebellion Losses Bill, 1254
Criminal Law Consolidation, Petition, 1030, 1031
Independence of Parliament, 1R. 55
Italy, War in, 1, 59, 136, 137, 141, 143, 227;—Works of Art in, 600, 968, 969, 970
Navigation, 2R. 1328, 1344
Railway Accounts, Returns moved for, 1031, 1053;—Mr. Saunders, 1247, 1249
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Brown, Mr. W., *Lancashire, S.*
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Bruce, Mr. C. L. C., *Elgin and Nairnshire*
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Sunday Travelling on Railways, 2R. 846

Budget, The Annual,
c. Question (Mr. Hume), 534

Buenos Ayres,
l. Correspondence moved for (Earl of Harrowby), 602; Motion withdrawn, 617
c. Question (Mr. Urquhart), 146

Bunbury, Mr. E. H., *Bury St. Edmunds,*
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c. Motion (Lord J. Russell), 148, 858; Amend. (Mr. Hume), 150; Amend. withdrawn, 152

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c. Question (Rt. Hon. J. C. Herries), 1102

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Carlisle, Earl of
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Public Health (Scotland), 2R. 1451
Sunday Travelling on Railways, 2R. 846

Chattels Partition and Sale Bill,
c. Leave, 312; 1R.* 313; 2R.* 1102

Clanricarde, Marquess of
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Clay, Mr. J., *Hull*
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Clements, Hon. C. S., *Leitrim*
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Barron, Sir H. W., *Waterford City*
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Bateson, Mr. T., *Londonderry, Co.*
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Berkeley, Hon. Capt. M. F. F., *Gloucester*
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Berkeley, Mr. C. L. G., *Cheltenham*
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Bruce, Mr. C. L. C., *Elgin and Nairnshire*
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c. Question (Mr. Urquhart), 146

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c. Motion (Lord J. Russell), 148, 858; Amend. (Mr. Hume), 150; Amend. withdrawn, 152

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Clergy Relief, Com. *cl.* 6, 1137
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c. Question (Rt. Hon. J. C. Herries), 1102

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Marriages, 2R. 1238
Navy Estimates, 538, 540, 1028
Nineveh Excavations, 1058
Poor Laws (Ireland)—Rate in Aid, 2R. 99, 240; Com. 467, 471, 507, 515; *add. cl.* 954
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Chattels Partition and Sale Bill,
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Clergy Relief, Com. 1126

Clements, Hon. C. S., *Leitrim*
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